Frank J. Polak.

TEMPLE

SAN JOSE, CAL.

Frank J. Polak

20486H

ABSTRACT OF TITLE

TO

110 Acres,
part of Rancho Pala,
Richards and North
Sub.

COUNTY OF SANTA CLARA,
STATE OF CALIFORNIA.

Dated May 25 1892

MADE AT THE REQUEST OF

A. H. Mashburn

SAN · JOSE
ABSTRACT, TITLE AND TRUST CO.,
SUCCESSOR TO
EDWARDS & PITMAN AND POMEROY & HOWES,
24 North Second Street,
SAN JOSE, CAL.

EDWARDS & PITMAN
SEARCHER OF RECORDS,
SAN JOSE. CAL.

Abstract of Title.

To

All that certain piece or parcel of land situate in the County of Santa Clara State of California. being part of the Pala Rancho described as follows to wit:

Same premises as described in Deed from John A. Garner to W. S. Richards and W. C. North dated Dec 12-1887 and fully set forth on page 213 of this Abstract.

Note: Transactions of The San Jose Land Company and mining Agreement between Charles White and J. M. Jones <June 25-1880> not shown.

EDWARDS & PITMAN
SEARCHER OF RECORDS.
SAN JOSE. CAL.

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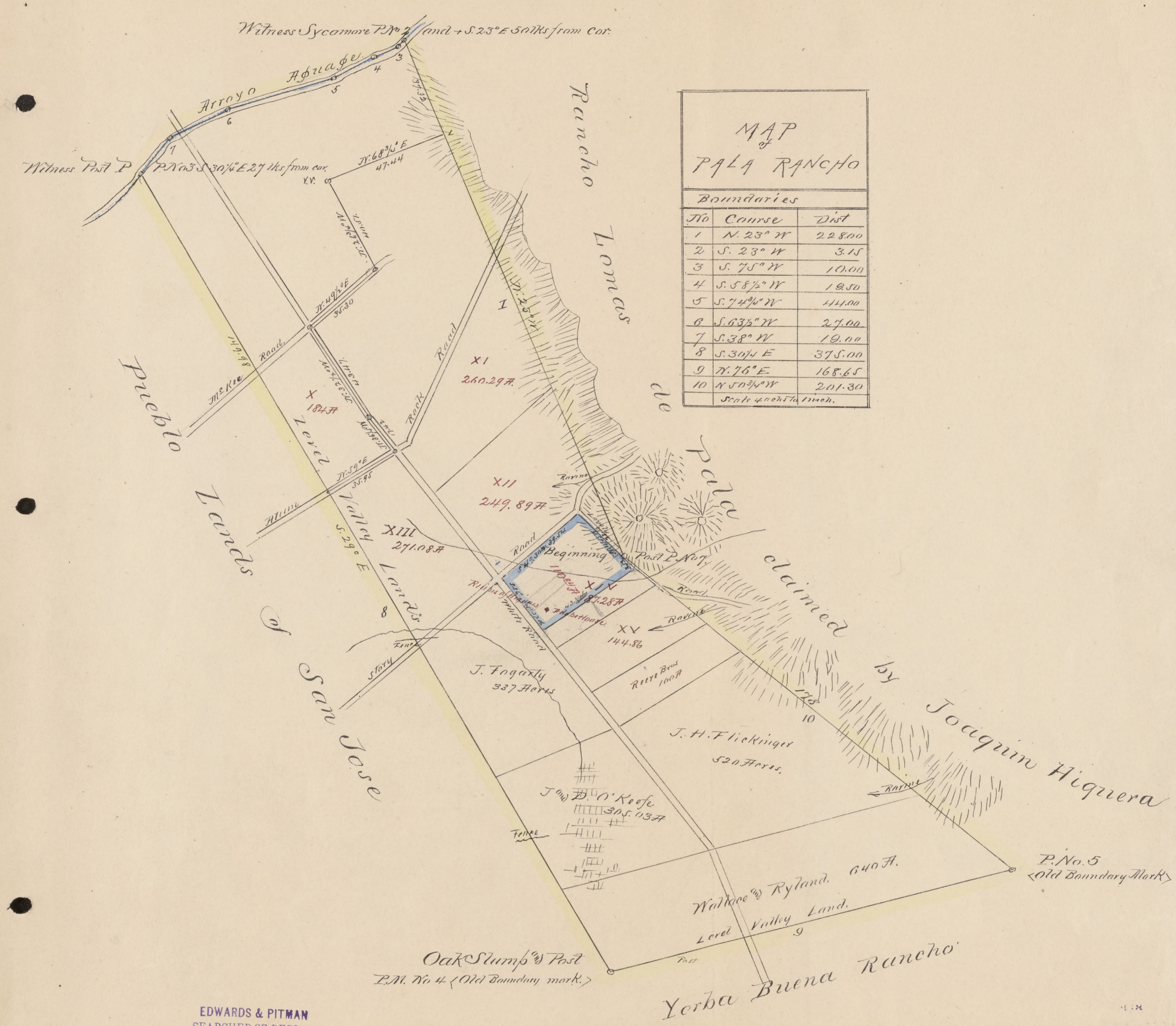

MAP of PALA RANCHO

Boundaries		
No	Course	Dist
1	N. 23° W	228.00
2	S. 23° W	3.15
3	S. 75° W	10.00
4	S. 58½° W	19.50
5	S. 74¾° W	44.00
6	S. 63½° W	27.00
7	S. 38° W	19.00
8	S. 30¼ E	375.00
9	N. 76° E	168.65
10	N 50¾° W	201.30
	Scale 4 chains to 1 inch.	

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Jose Castro

Espediente

Datos Nov 5/35

Juzgado Constitl De San Jose de Guadalupe Año de 1835

Espediente instruido p.a media y dar posession de un sitio de Ganado mayor del Jose Joaqn Higuera del terreno conocido con el nombre de Pala

Juez el Alo.d Constitl de dicho Pueblo } Anuncia Jose P Fernandez y Jomay Pachico

Sello Primero seis Pesos
Habilitado provicionalmente por la Administracion de la Aduana Maritima de Monterey de la California para los años de mil ocho cientos treinta y cuatro y ocho cientos treinta y cinco
Figueroa Rubrica A Ramirez Rubrica

Jose Castro primer vocal en la Eml Deputacion Territorial del Gefe

Politico interino al Territorio a la
Alta California

Gobierno Politico Dellama

Por cuanto Jose Figueroa mej=
icano por nacimiento a pretendi=
do pa su beneficio personal
i el su familia el terreno
conocido con el nombre de Pala practi=
cadas las diligencias a bien guaciones
conforme esta segun lo supuesto pe
leyes y reglamentos asando a las
facultades q. me son conferidas
en decreto de este dia a nombre de
la Nacion Mejicana a benido en
conceder el terreno mencionado Pala
sida sandole la propiedad en el
por las presentes letras a reserva de
la aprovacion de la Exma Deputacion
Territorial bajo las condiciones sig=
uientes - 1a Que se sometera a larg.
establecer el reglamento q. se ha
en forma para la distribucion de
tier terreno baldios e q. tiene tande
ni el agraviado ni sus herederos
podran dividir ni enajenar el q.
se les adjudicia imponer sinso
vinculo ipotica franqa ni otra
gravamen ancunque sea por causa

pradera n parando a manos muasto
2ª Podra cercarlo sin perjudicion las
travicias caminose circunstras
lo destinara lion i esclusivamente
destinan solo al uso i cultivo qe mas
le acomode pe sentro un un año a lo
mas farvicera casa i estasa abitada
3ª Solicitara al juez respectivo qe
le de la posicion juridica en
virtud en este despacho pr el cual
señalaran los linderos en cuyos
limites pondran a mas de las
molimeras algunos arvoles frutales
o silvestres de alguna utilidad f- 4ª
El terreno de qe se hase mension de
un sitio de ganado mayor segun
esplica el sumo qe corre en el es=
pediente El juez que sirva la posesion
Juridica lo hara medir conforme
a ordenanza quedando el sobrante
qe resulta a favor de la Nacion
pe los usos combenientes -, 5ª Si con=
traviniesi a estas condiciones perdera
su derecho al terreno i sera denun=
ciable pr otro En consecuencia
mando qe sirviendole de titulo el
presente i teniendose por firme
i validero se toma razon de el en

al lino que corresponde i se entregue
al interesado para su resguardo i
demas fines Dado en Monterey a
cinco Noviembre de Mil ocho cientos
treinta y cinco

Jose Castro

Dest 20 p/r

Jn del Castillo
Regalt

Dado
De 10 p/r

Dado lo mado regar en el lino
que corresponde a fojas ochenta
i dos i senalado con el numero
ochenta que obra en la secretaria
de mi cargo Monterey Nov 5 de
1835

Castillo

Here follows an approval of con-
cessions made to Joaquin Higuera
of the land named Pala on 5th
day of Nov 1835 subject to conditions
in above Espediente Dated at Monterey
Dec 10/35.

Also testimony of several witness
in regards to the boundary lines
and possession by Jose Joaquin
Higuera

Nicholas Berryessa and Antonio Chavoya summoned to appear as witness to the establishing of boundary lines

---

Here follows a discription of the lines as laid out by the alcalde assisted by the Witnesses Nicholas Berryessa and Antonio Chaboya viz

"Ala parte del N hasta llegar al Arroyo de C. Aguage de ali se procedio el reconocimiento y vista de ojos hacia el W caminando por la orilla de dicho Arroyo hasta llegar cerca del Monticilo alto y ser termino y lindero de las espresadas tierras de Pala desde dicho paraje se continuo dicha vista de ojos caminando hacia el S hasta llegar a un roblar termino y lindero de las surodichas tierras desde donde señalaron la cordilleras de lomas que mira al O por ultimo lindera de las mencionadas tierras"

Notice to Jose Joaquin Neguira

naming Rafael Solo and Augustin Aviso as parties to take measurement

Acceptance of Rafael Solo and Augustin Aviso of the charge

Notice to parties interested to meet on Rancho Pala on 21st to proceed with measurement

Description of boundaryline as follows

"desde el solar que mira hacia al N caminando por este rumbo hasta llegar al pincon del Arroyo del agnage donde se midieron cincuenta cordeles quedando dicho arroyo de linderos desde alli se siguio la medida en linea recta hacia al O hasta llegar a las tierras de labor de dicho rancho donde encontrandose un roble quedo senalado para acuerdo de que alli pondria una mohonera y se midieron cuarenta cordeles desde este paraje se tomo el rumbo hacia el S abarcando por la Laguna del Socaire Arroyuelo que nace de esta misma hasta llegar a un roblar cuyo primer roble vendo Higuera donde debera colocar

otra Mohonera y si midieron ciento
diez cordeles de este sitio se siguir
hacia el E caminando por la arilla
del Arroyo de los altos hasta llegar
al pie esta cordillera de lomar
que corre de N a S a espaldas del
Solar mentado al O y no habiendo
mas de treinta y siete cordeles se
completo el sitio de ganado mayor
que se le concedio al repetido Higuera
con la Lomeria referido por haberla
pedido el interesado y no haber quien
la reclamar de manera que el referido
sitio de Ganado Mayor de que contra
el rancho de Pala perteneciente al
C Jose Joaquin Higuera formando un
concedo de veinte Mil varas Cas=
tellanas y regulado por dichos
medidores declaracion estar el
repetido C Jose Joaquin Higuera
enterado de las tierras que le
corresponden a su rancho segun el
titulo y deseno que obra a la
Cabeza de este expediente &c

En virtud de hallarse concluidas
estas diligencias conforme a la
ordenanza de la materia

entreguense originales a la parte del S. Jose Joaquin Higuera con los documentos que presentó para los usos que le convengan. El S. Antonio Maria Pico Alcalde constitucional del Pueblo De San Jose de Guadalupe actuando por ausencia con dos testigos de asistencia a falta de Escribano Publico asi lo proveyo mando y firmo hoy veinte y uno de Diciembre de mil ochocientos treinta y cinco

Antonio Mª Pico

Assistá Jose Q Fernandez
assa Tomas Pacheco

Recorded July 6/50
Liber A Deeds pp 213

Antonio Ma Pico
Alcalde

Expediente

Dalid Dic 21/35

Sello tercero dos reales

Habilitado provicionalmente por la Administracion de la Aduana Maritana de Monterey de la alta California para los años de mil ochocientos treinta y cuatro y mil ochocientos treinta y cinco

Castro Angel Rungig
firme firme

Señor Alcalde Constitutional El Ciudadano Jose Joaquin Yguera ante V. como mas haya lugar en derecho digo que habiendoseme concedido por la Expina Diputacion territorial el terreno conocido el nombre de Pala segun lo acredita el titulo que respectuosamente acompaño y deseo que se signe pido a V se sirva darme la posesion juridica de el que es de un sitio de

ganado mayor con las formalidades
de la ley p.a evitar q. porja digue
a mis circunvecinos o perjudiquen
mis intereses por tanto
A V suplico se sirva proveer como
pido por ser de Justicia q. imploro y
juro con lo necesario &c a ruego del
interesado pidas saber

Jose J Fernandez
su firme

S. Jose de Guadalupe diez y seis de
Diciembre de 1835 Por la presentado
este peticion con los documentos que
espresa citese a los circunvecinos
y haguse informacion de identidad
vistas de ojos q. reconcimiento de dichas
tierras El C Antonio M Pico alcalde
Constitutional del Pueblo de San Jose
de Guadalupe actuando por receptor
con dos testigos de asistencia a falta
de escribano publico asi lo proveyo
mando y firmo con los de mi asis=
tencia de que doy fe

Asta

Antonio M Pico
su firme

Jose J Fernandez
su firme

En el espresado Pueblo a los diez

y seis dias del mismo mes y año el C.
Alcalde constitutional con los de mi
asistencia para proceder a la infor=
macion de identidad que espriso el
ante de sariso hizo comparecer al C.
Sebastian Peralta en su persona que
conocemos vecino de este Pueblo de officio
labrador casado al cual se le recibio
juramento que hizo por dios Nuestro Sor
y la señal de la Santa Cruz por el que
prometio diur verdad y habiendo lo
sido sobre el conocimiento que tiene
de las tierras y paajes terminos y
linderos pertenecientes al Rancho
nombrado de Pala dijo que hace mas
de diez años es vecino de este Juris=
dicion y sabe que las tierras por que
se le preguntan han pertenecido al
C Jose Joaquin y guerra y tiene
por linderos conocidos un roblar y
monticilo alto los cuales ha visto y
reconocido varias veces y que desde que
les poser dicho Higuera las ha
labrado y cultivado partandosu
ellas sus Ganados y para que
prueva de lo que tiene dicho esta
pronto a V.S. a dichas tierras con el
presente Alcalde y sinalarse los parajes

terrenos y linderos donde Ligar que
lo que lleva dicho es la verdad por
la Juramento que tiene hecho en que
se firmo y ratifico leido que le fue
esta declaracion diciendo ser de edad
de cuarenta años y las gratias no le
tocan y lo firmo con el presente al=
calde y los de su asistencia

Assa

Antonio Ma Pico — Jose G Fernandez firme
assa — Tomas Pachico firme
su firme — Sebastian Peralta firme

Inmediatamente yo el mencionado
Alcalde con los mi asistencia hice
comparacer al C Louis Chavolla
en su persona a que conocemos
vecino de este Jurisdicion de officio
labrador casado al cual se recibio
juramento segun costumbre por el que
prometio decir verdad y siendo pre=
guntado por el conocimiento de las
tierras y parajes terrenos y linderos
pertenecientes el rancho nombrado
de Palas dijo que hace mas de diez
años es vecino de este jurisdicion
y sabe que las tierras pertenecientes
al espresado Rancho han sido

posidas por el C. Jose Joaquin
Figueroa y tiene por linderos
carrizos al montecito alto y un
Roblar los cuales ha visto y recon=
cido varias veces y que ante las
posee dicho Figueroa las ha labrado
y partido en ellos sus ganados y
que para nueva y conocimiento de
cuanto tiene dicho está pronto á ir
a dichas tierras con el presente
Alcalde y senalarse los parajes
terminos y linderos donde llegan y
está que lleva dicho es la verdad
a largo del juramento prestado
en que se sumo y ratifico leida que
le fue esta declaracion dicinado ser
de edad de cuarenta y cinco anos
que los generales no le tocan y lo firme
con el presente Alcalde y lo de mi
asistencia

Assa

Jose J. Fernandez su firme

Antonio M. Rios su firme

Asis.a

Luis Chaboya su firme Tomas Pachico su firme

---

y inmediatamente comparesio el C.
Dolores Musa en su persona que
conocemos vecino de esta Jurisdicion
de officio labrador casado al cual

se de recibio juramento segun costum=
bre por que prometio decir verdad
y siendo preguntado por el conocim=
iento de las tierras y parajes
terminos al y linderos pertenecientes
rancho Nombrado de Paladyo que
es nativo de este Pueblo y sabe
que las tierras pertenecientes al
espresado Rancho han sido poseer=
das por el C Jose Joaquin Ei=
guera y tiene por linderos conocidos
dos arroyos uno pacia al norte y
otro al sur el montesito alto y la
cordillera de lomas que corre de
norte al sur las cuales ha visto y
reconocido varias veces y desde que
las poseo dicho Figuera las ha labrado
y pastado su ellos sus ganados y para
que prueve y conocimiento de cuanto
tiene dho esta pronto a ir a dichas
tierras con el presente Alcalde y
sumatarse los parajes terminos
y linderos donde llegan que lo
que tiene dicho es la verdad
a cargo del juramento prestado
en que se afirmo y ratifico leido
que le fue este esposicion diciendo
ser de edad de sesenta y siete años

y que las generales de la ley no le tocan no firmando por no saber firmar pero lo verifico el Alcalde con de sus asistencia

assa
Jose G Fernandez
Ass.a
Tomas Pacheco

Antonio M Pico
su firma

En el referido Pueblo a los dieciocho dias del esprisado mes y año dibragon boletos de compasendo a los colindantes C C Nicolas Berryessa y Antonio Chavoya para que comparescan en el Rancho titulado de Pala mañana diez y numero del corriente enter ados ambos de este respondieron lo ayen que se dan por citados este respondieron y firmo Nicolas Berryessa no verificandolo Chavoya por no saber

assa
Jose T. Fernandez
assa
Tomas Pacheco su firma

Antonio Ma Pico
su firma
Nicolas Berryessa
su firma

Estando en el campo en el Parage

que se llama de Pala terminos de
Pueblo de San Jose de Guadalupe en
diez y nueve dias de Diciembre de
mil ocho cientos treinta y cinco yo
el Alcalde constitucional actuando
por recepturas con dos testigos de
asistencia a falta de Escribano
Publico los testigos por mi nombra-
dos presente el dicho C C Jose Jo-
aquin Higuera C C Nicolas Berry-
essa y Antonio Chabya sus circun-
vecinos procede a ver y reconocer
las tierras de dicho Rancho y
para su mayor standa f puesto
Caballo en compania de todas
las partes y testigos referidos
mandados sus dichos me sen-
alaron los paragos terminos y
linderos de ellos segun las
señales que han declarado en
sus deposiciones y en su conforme-
dad f.q guiaron a la parte de norte
hasta llegar al arroyo del Aguaje
de alli se procede el reconocimiento
y puesto de ojos hacia al Oeste caminando
por la Orilla de dicho arroyo hasta
llegar cerca del monticilo alto y
ser termino y linderos de las respresadas

tierras de Pata desde dicho parajes se continua dicha vista de ojos camando hacia el S hasta llegar á un roblar termino y linderos de los susodichos tierras desde donde senalan un la lerdillera de loma que mira al O por ultimo linderos de las mencionadas tierras cuyas parajes y el Alcalde constitutional su y reconocio con los de mi asistencia testigos espresados y papeles presentados y colegado dicho reconocimiento con ellas halle ser cierto la identificacion de las mencionadas tierras segun y como lo declaran dichos testigos y para que conste lo pongo por diligencia y lo firmo con los de mi asistencia y los demas que supieren doy fe

assa

Antonio Ma Pico — Jose Q Fernandez

su firma — su firma

Afs Tomas Pacheco — Sebra Peralta su firma

firma — Luis Chaboya su firma

En el mismo dia mes y ano y el Alcalde constitucional dijo que para proceder a las medidas concluidas en estos autos mande de

notifique a dicho b Jose Joaquin
Higuera de que los medidores nom=
brados son los b b Rafael Soto y
Augustin Alvis por inteligentes en
materia de medidas y en su consig=
uencia dijo lo que oye y conviene en
dicho nombramiento por lo cual
mando dicho Alcalde se notificase
a los esprisados medidores nombrando
el dia viente y uno del corriente
para proceder a las medidas de
dichas tierras y en consequencia
mando y se dise a dichos medidores
para que paris can acepto y jurasen
debida forma y para que conste
lo firmo con las de mi asistencia

Ass.a

Antonio M Pico Jose J Fernandez
afsa Tomas Pacheco

En mediamente comparecion los b b
Rafael Soto y Agustin Alvis medid=
ores nombrados y hecho salar el ante
de sernos dijeron aceptar el encargo
asso dicho y en vista juraron por
dios nuestro Señor y la señal de
la Santa Cruz de que usaran
bien y fielmente el encargo referido

a todo su leal saber y entender que haran dichas medidas fiel y legalmente como es de sus obligaciones sin fraudes ni engaños en contra ninguna de las partes esto respondieron y firmaron doy fe

Assa

Jose G Fernandez
Antonio Ma Pico — Tomas Pacheco
Francco Soto — Augustin Alviso

En seguida se hizo saber a los interesados y medidores concurran el dia veinte uno del corriente al parage nombrado de Pala para proceder a la medida de dichas tierras i enpuestos todos de esto antes dijeron oyen y se dan por ostados firmando lo que supieron para constancia doy fe

Assa

Antonio Ma Pico — Jose G Fernandez
Francco Soto Ass.a por no saber firmar se la señal de la Cruz X — Tomas Pacheco
Sebart Peralta
Luis Chaboyo

En el Rancho titulado de Pala

a veinte uno de Diciembre del año
de mil ocho cientos treinta y cinco
presente el C. Jose Joaquin Higuera
y circunbecinos a el hoy tierras hice
comparecer ante mi y los de mi
asistencia a los C.C. Rafael Soto
y Agustin Alviso medidores nombrados
a los cuales mande encurar un cu-
dal de ile y midan cincuenta varas
con varas de medir cuatro palmos
Castellanicia meduron un cordel
torcido y encerado y bien lorado con
una vara Mejicana sellada en toda
forma hasta el numero de cincuenta
varas la cual medida se hizo fiel
y legalmente y circunbecinos en
cuya atencion mando se ponga por
deligencia

Assa

Antonio Ma Pico — Jose J. Fernandez

Sebart Peralta — Assa

Luis Chaboya — Tomas Pacheco

Estando en el campo y tierras
apertenecientes el Rancho de Pala
hoy veinte y uno de Dec.e de mil
ocho cientos treinta y cinco yo el
Alcalde constitucional del Pueblo

de San Jose De Guadalupe actuando
por receptorio con dos testigos de asis=
tencia a falta de Escribano Publico
presente el C Rafael Soto y Agustin
Alviso medidores nombrados mande
procediesen ala medida de mi sitio
de Ganado Mayor que lo cay per=
tenece al Rancho de Pala segun el
titulo y diseño presentados en cuyo
obedecimiento habiendo vuelta a
medir y reconocer el cordel dieron
principio a dicha medida desde el
solar que mira hacia el N caminu=
ando por este rumbo hasta llegar
al union del arroyo del agua je
donde se midieron concuenta cordeles
que dando dicho arroyo de lin=
deros desde alli se siguio al medida
en linea recta hacia al O hasta
llegar a las tierras de labor de
dicho Rancho donde encontrandose
un Roble quedose un Roble quedo
Senalado para acuerdo de que alli
pondria una mohonera y se med=
ieron cuarenta cordeles desde este
paraje se tomo el rumbo hacia el S
atravesando por la Laguna del
Sucaire Arroyuelo que nace de esta

mismia hasta llegar a un Roblar
cuyo primer roble Surato Figuera
donde devera colocar otra mohon=
era y se midieron ciento diez cordeles
de este sitio se siguio hacia el E
caminando por la orilla del arroyo
de los alisos hasta llegar al pie
de la cordillera de lomas que corren
de Na Sa espaldas del solar vestinelo
al O y no haviendo mas de trienta
y siete cordeles se completo el sitio de
Ganado Mayor que se le concedio
al repitido Figuera con la lomeria
referida por haberla perdido el interesado
y no haber quien la reclamase de
manera que el referido sitio de Ganado
Mayor de que consta el Rancho de Pala
pertenecente al C Joaquin Figuera
formara su cuadro de Veinte mil
varas castillanas y regulados por
dichos medidores declaran estar repetido
C Jose Joaquin Figuera en terrada
de las tierras que le corresponden
a su rancho segun el titulo y disen
que obra a la cabesa de este espediente
sin que se perjudicase a tercero por
lo cual arranco dicho Figuera varias
Ramas y yervas arrojandolos hacia

los cuales cuentan su señal de su legal
y legitima posesion en tal estado
Mandose el C Alcalde que para par=
manencia y claridad de los linderos
que han espresados hiciese a su
costa y mencion unos mohoneros de
piedra y cal en altos de mas de
Vara que en todo tiempo conste se
observe y guarden por terminos y lind=
eros de sus tierras por los demas circun=
bicinos de ellas y de haberse afectuado
dichos medidas que esta y pacifica=
mente sin contradiccion de persona
alguna lo pidio por testimonio y yo
el Alcalde constitutional del Pueblo
de San Jose De Guadalupe actuando
por receptorio con dos testigos de asistencia
a falta de Escribano Publico le doy
de haber pasado como dicho y que
las espresadas medidas han sido
hechas a todo el leal saber y entender
de los medidores segun de pusieron
sin dolo fraude ni engaño y para
mas seguridad ratificaron el juramento
que tienen hecho y de firmaron con
el repetido Alcalde los de su asistencia.
y las demas personas que supieron y
se hallaron presentes

assa Jose J Fernandez
assa Tomas Pachico

Antonio Ma Pico — Sebastian Peralta
Agustin Alviso — Luis Chabolla
Francco Soto

Virtud de hallarse concluidas estas diligencias conforme a la ordenanza de Materia entrugose originales a la parte del C Jose Joaquin Higuera con los documentos que presento para los usos que le contenga al C Antonio Ma Pico Alcalde constitucional del Pueblo de San Jose de Guadalupe actuando por receptoria con los testigos de asistencia a falta de Escribano Publico asi lo prove y mando y firmo hoy veinte y uno de Diciembre de Mil ocho cientos treinta y cinco

assa Jose L Fernandez
assa Tomas Pachico

Antonio Ma Pico

Recorded June 7/50
Libro A Deeds pp 143

United States of America

To

Ellen E White et als

Widow and Heirs of Charles White

Patent

Whereby it appears from a duly authenticated transcript filed in the General Land office of the U S that pursuant to the provisions of the Act of Congress approved the 3d day of March 1851 entitled "An Act to ascertain and settle the private Land Claims in the State of Cal"

Charles White as claimant filed his petition on the 26th day of Feby 1853 with the Commissioners to ascertain and settle the private Land Claims in the State of Cal sitting as a Board in the City of San Francisco in which petition he claimed the confirmation of his title to a tract of land called "Pala" containing one square league situated in the County of Santa Clara and State aforesaid said claim

bring founded on a Mexican Grant to Jose Figuera made on the 5th day of Nov 1835 by Jose Castro then Governor ad interim of the Territory of Upper Cal. and approved by the Territorial Deputation on the 10th day of Dec 1835 And whereas the Board of Land Commissioners aforesaid on the 19th day of Dec 1857 in the cause entitled The widow and Heirs of Charles White vs The United States rendered a decree of confirmation as follows In this cause hearing the proofs and allegations it is adjudged by the Commission that the claim of the said petitioners is valid and it is therefore decreed that the same be confirmed and that the said Widow and their children of said Charles White deceased have and hold the premises hereby confirmed to them in the several shares and proportions to which they are respectively entitled by law as the widow and children of said Charles White Deceased. The land of which confirmation is hereby made is situated in the County of Santa Clara and

is known by the name of Pala being the same formerly occupied by Jose Higuera and is bounded and described as follows: Commencing at the line of the lot which lays at the South of the said Ranchs and faces towards the North at the foot of the hills and running thence North along the foot of said hills 2500 varas to the arroyo del aguage thence along said stream towards the West 2000 varas in a straight line until it reaches the saving lands formerly used by Jose Higuera and to an oak tree which was marked as a boundary when judicial possession of said Ranchs was given to said Higuera in 1835 the said arroyo being the line on this side of said Rancho thence towards the South passing by the Laguna del Sacaire Arroyo which rises from the same 5500 varas to the first tree of an oak grove which was marked as a boundary when said judicial possession was given thence towards the East 1850 varas passing along the Arroyo de

los Alisos to the foot of the range
of hills which runs from North to South
containing one square league of land
more or less being the same land
which was granted to Jose Figuera
and of which judicial possession
was given to him in 1835 as appears
by said grant and the testimonial
of said possession which are on file
in this case and to which reference
is to be had for further description
Excepting however from this con-
firmation the hills above mentioned
and the lands of the rancho known
as that of Antonio Chabaya and
those called the lands of the
town of San Jose which decree
or decision as appears from a duly
certified transcript on file in the
General Land office was on appeal
affirmed by the District Court
of the United States for the
Southern District of California
at a stated Term on the 23 day
of Feby 1857 and as also appears
from a duly certified transcript
on file in the General Land office
the Attorney General of the United

States having given notice that appeal would not be prosecuted in this case the aforesaid District Court at a State Term on the 9th day of Feby 1858 ordered that claimants have leave to proceed under the decree of this Court heretofore rendered in their favor as under final decree - - - - - - - - -
And whereas it further appears from a certified transcript on file in the General Land Office that this cause having been brought before the aforesaid District Court in the Matter of the following proceedings were had in said Court on the 18 day of January 1862

The United States vs Ellen E White et als	L.C. No 638 D.C. No 233

It is therefore ordered adjudged and decreed and the Court doth hereby order adjudge and decree that the said official survey be and the same is hereby approved and

confirmed as a correct and final survey of said Rancho Pala. The survey hereby approved is the same hereby made by John Wallace in March. 1858 containing 4454 8/100 — and approved by J W Mandeville U.S. Surveyor General for the State of Cal. on the 19 day of Jan 1860 a copy of the plot of which survey certified by the said J. W. Mandeville was filed and marked "Approved" Jan 18. 1862 Ogden Hoffman U S District Judge And whereas there has been filed in the General Land Office of the United States a certificate from the Clerk of the aforesaid District Court dated Sept 7-1866 showing that an appeal being taken from the aforesaid decree confirming survey to the Supreme Court of the United States the said Supreme Court at the September Term 1864 dismissed said appeal and remanded to the cause to said District Court for further proceedings And that afterwards to wit on the 26 day of Dec 1865 the mandate of the

Supreme Court ordering the dis=
missal of said appeal and directing
such further proceedings as law
and justice required in the said
District Court was ordered to be
filed in said last named Court
and have granted to the claimants
to proceed under the decree of Jan=
18, 1862 as under final decree
And whereas under the 13 sec. of said
act of 3d March 1857 there have
been presented to the Commissioner
of the General Land Office a part
and certificate of the survey of the
tract of land confirmed as afore=
said authenticated on the 8th day
of Aug 1866 by the signature of the
Surveyor General of the public
lands of California which plat
and certificate are in the words
and figures following to wit:

U.S. Surveyor Generals
Office San Francisco Cal.

under and by virtue of the pro=
visions of the 13" section of the
act of Congress at the 3d of March
1857 entitled "An act to ascertain
and settle private land claims

in the State of California and
of the 12 Section of the act of Con=
gress approved on the 31 of Aug
1852 entitled "An act making ap=
propriations for the civil and Dip=
lomatic expenses of the Government
for the year ending the 30th day
of June 1853 and for other purposes
and whereas the U.S. District Court
for the Northern District of Cal.
rendered a decision whereby it recognizes
and confirm the title and claim of
Ellen E. White the widow and heirs
of Charles White deceased and the
Attorney General of the United
States having given notice that
no further appeal wd be prosecuted
therein as appears from the certific=
ate of the said District Court
a copy of which is hereto annexed
the said tract of land was surveyed
in conformity to the grant thereof
and the said decision and I do
hereby certify the accompanying
map to be a true and accurate
plat of the said tract of land
as appears by the field notes of the
survey thereof made by John Wallace

Deputy Surveyor or under the di=
rections of this office which having
been examined and approved remain
of record in said office.
And I further certify that by a
final decree of the said District
Court as appears by the certificate
thereof which is also hereto annexed
the Survey aforesaid has become final
and conclusive, And I do further
certify that under and virtue of
the said confirmation other pro=
ceedings had in the matter the
said Ellen E White et als widow
and heirs of Charles White deceased
are entitled to a patent from the
United States upon the presentation
hereof to the General Land Office
for the said tract of land the
same being bounded and described
as follows to wit:
Beginning at a post in mound
marked "P No 1" near the foot of
hills from which the ruins of
Higuras old house bears S 64° W
distant 37 chs thence according
to the true Meridian the variation
of the magnetic needle being 15° 30' W

along the boundary of the Rancho "Lomas de Pala" N 23° W 8 chs to the point of a spur sloping to the South West 17 chs and 10 lks to a post at intersection with line between Tp 6 and 7 S. R 1 E 25 chs West of corner to sections 1. 6. 31. and 36 - - - - - - - -
at 36 chs crosses a ravine course West 39 chs to the top of a low ridge sloping towards the West and descends along the ridge of a valley 87 chs to a point on spur bearing to the South West and descends 145 chs to a point at Spur bearing South West at 197 chs crosses a point of spur bearing West and descends to the ridge of the Valley 220 chs and 60 lks to a sycamore 18 inches in dia. marked "P No 2" with an old cross on the left bank of the Arroyo Agua 228 chs to station in the center of the Arroyo Agua thence meandering down the center of said Arroyo S 23° W 3 chs and 15 lks to station thence S 75° W 10 chs to station thence S 58° 30' W 19 chs and 55 lks to station thence S 74° 45' W 44 chs to station thence S 63° 39' W 27 chs to station

thence S 38° W 19 chs to station from which a witness post marked W.P. P No 3 on the left bank of the Arroyo Aguage bears S 30° 50' E distant 27 lks thence along the boundary of the Pueblo lands of San Jose S 30° 15' E 27 lks to the witness post above mentioned thence along level valley lands 162 chs and 50 lks to a post at intersection with line between Tp 6 and 7 S R. 1. E. 28 chs and 15 lks East of corner to sections 2. 3. 34 and 35 at 216 chs crosses a fence course East at 216 chs 20 lks crosses a fence course East a road runs between this fence and the one above mentioned at 308 chs crosses a fence course East at 341 chs a house is 2 chs to the left of line at 346 chs crosses a fence, course South West leaves boundary of the Pueblo Lands of San Jose and along the boundary of the Ranchs "Yerba Buena" 379 chs to a post marked "P No 4" in an oak stump station and an old boundary mark from which a Black Oak 20 inches in diameter bears S 35° W distant 1 ch and 47 lks

thence along level valley land N 76° E 25 chs and 88 lks to a post at intersection with line between Ranges 1 and 2 East Tp 7 South 18 chs and 30 lks South of corner to Sections 7, 12, 13 and 18, 168 chs and 65 lks to a Black oak 30 inches in diameter marked with an old cross and P No 5 station and an old boundary mark, thence leaving the boundary of the Rancho "Yerba Buena and along the boundary of the "Rancho Lomas de Pala" N 50° 45' W 31 chs to the top of a knoll at 53 chs crosses a ravine course West and along the North East edge of a valley at 170 chs crosses a ravine course West 178 chs to a post at intersection with line between Ranges 1 and 2 East Tp 7 South 30 chs and 20 lks South of corner to Sections 1. 6. 31 and 36. 201 chs and 30 lks to the point of beginning Containing 44 54 06/100 acres and being designated upon the Plats of the Public Survey as Lot Numbered 40 in Tp 6 S R 1 E Lot Numbered 39 in Tp 7 S R 1 E and Lot Numbered 39 in Tp 7 S R 2 E of the Mount Diablo Meridian

Aug 8/66

(sig) L Upson

(Seal) U.S. Surveyor General

Now know ye that the U.S. of America in consideration of the premises and pursuant to the provisions of the act of Congress aforesaid of 3d March 1851.

Do give and grant unto the said Ellen E White et als widow and heirs of Charles White deceased and to their heirs the tract of land embraced and described in the foregoing survey, but with the stipulation that in virtue of the 15th section of the said act the confirmation of this said claim and this patent shall not affect the interest of 3d persons

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Given under my hand at the City of Washington this 8th day of Oct 1866 and of the Independance of the U.S. the 91st

By the President

Andrew Johnson

By Edw D. Neill Secretary

J. N. Granger, Recorder of the General

Land-office
Recorded Vol 6 pp 193 to 201

Recorded May 21/67
Liber "A" Patents pp 96

Juan Higuera

Lo

Carlos White

Deed

Dated Feby 2/49

En el Pueblo de San Jose de Gdalupa los segundo dia del mes de Febrero de mil ochocientos cuarenta y nueve ante mi R. H. Dimick Alcalde 1.º de este demarcacion y ante los testigos que fueron conmigo que despues se nombraron y con quienes actuo en forma debido por falta de escribano Publico comparecio a Dn Juan Higuera a quien conosco y do fe y digo que por si y a nombre de sus herederos y sucesores que se bende y da en venta publica solemne y enagenacion perpetua a Dn Carlos White y a sus herederos para siempre todo el derecho interes y titulo que tenga al terreno conocido por el Rancho de Pala y declara y asegura el enunciado Juan Higuera que este Rancho no esta bendido ni empenado y que esta libre de todo gravamen perpetua

temporal especial general o tacito o
espreso y como tal se lo vende en
precio y cantidad de tres mil pesos
(3000 ps) en oro de polvo a razon de
diez y seis pesos la onza lo que tenga
recibidos a su entera satisfacion y
El mencionado Dn Juan Figueroa
se renuncia las leyes que tratan
de contratos ventas bruguas y de
otras en que hay cesion en mas o
menos de la mitad del justo precio
y que desde ahora para en adelante
para siempre jamas se desapodera
quita y aparta de sus herederos
del propiedad dominio posecion
titulo voz y recurso en el ante dho
Rancho de Pala y se sede traspasa
en el ante dho comprador y a quien
le represente para que el pose o goze
cambiense en agene y disponga
de ello como de cosa suya adquirida
con justo y legitimo titulo a demas
se obliga el otorgante de procurar
y entregar el titulo con los docum=
entos de posecion del ante dho
Rancho al comprador que estan
en los manos de Dn Jose Noriega
Alvarez de la testamenta de su

madre y padre tambien queda obligado de entregar al ante dho comprador las firmas de venta de sus hermanos sin dilacion ninguna y se obliga ademas el otorgante con todos sus bienes habidos y por haber para la observancia de todo lo espuesto y se somete a los tres fueros que sus cosas pueden y deben conocer conforme a derecho para que a su cumplimiento se compela como por sentencia pasado que por tal se renuncia las leys a quien en el caso le favorezca En testimonio del cual asi le otorgo y firmo con migo y los testigos de asistencia de que doy fe

Juan Figuera +

K. L. Dennick — Testigo de Assa

Alcalde 1º — Alejo Anderson

Testigo de Assa

Maximo J. Fernandez

Recorded

Libro 4 Deeds pp 101

Charles White

To

Juan Higuera

Deed

Dated April 16/49

Cons $3000 00

Doth grant and convey unto the said party of the second part his heirs and assigns forever, All that certain piece or parcel of land lying and being in the Pueblo de San Jose de Gde and being known as the Rancho de Pala granted by the Mexican government to the Higueras and by them sold to the said Charles White but resold to said Juan Higuera his heirs and assigns forever

sig Chas White (L S)

Witness

J D Hoppe

Ackgd April 16/49

Before K W Dimmick 1st Alcalde [Rubrica]

Recorded

Liber 5 Deeds fols 34

Juan Vigiura
to
John M Murphy

Deed

Dated April 16/49

Cons $350 00

Grant and convey unto the said party of the second part his heirs and assigns forever all that certain piece or parcel of land lying and being in the Jurisdiction of the district of San Jose and being known as the Rancho de Pala granted by the Mexican government to the Vigiuras and more particularly described in a deed made by Juan Vigiura to Chas White and recorded in the Alcaldes office in Book 4 of Deeds p 101 to which reference is particularly made for a more full description thereof.

And the said party of the first part for himself and his heirs administrators and assigns doth covenant and agree that at the delivery hereof he is the lawful owner

of the premises above granted and
rigid of a good and indefeasable
estate of inheritance therein clear
of all encumbrances whatever of
every name and nature and that
he will warrant and defend the
above described premises in the
quiet and peacable possession of
the said party of the second part
his heirs and assigns forever

(sig) Juan Figuera his mark x (L.S.)

Witness
Chas White 2nd
J. D. Hoppe

Ackgd April 16/49
Before K. W. Dimmick
1st Alcalde

Recorded
Liber "5" Deeds pp 35

Juan Higuera

To

William B Almond

Mortgage

Dated Sept 14/49

Given to secure the payment of $150.00 1 month from date.

Covers all my right title and interest in and to a certain Ranche or farm or track of land situate in the valley of said Pueblo about 3 miles from said Town of Pueblo and the farm on which I am now residing and which said interest descended to me from my father who is now deceased the same being situate in Upper Cal.

Received of Charles White by the hands of John Sullivan $173.00 in full of a Mortgage I hold against Juan Higuera on record at San Jose Cal on a Ranche or farm near said place Feby 13. 1850

W. B. Almond

The following entry appears on margin of Record

Satisfied

W.B. Almond

Recorded June 7/50

Liber "5" Deeds pp 258.

John M Murphy

to

Juan Nigueira

Deed

Dated Jany 22/50

Cons $5000.00

Grant bargain sell and convey unto the said Juan Nigueira his heirs and assigns forever all his right title and interest in and to all that certain piece or parcel of land lying and being in the District of San Jose de Gde and being known as the Rancho de Pala granted by the Mexican Government to the Nigueras and resold by them to Charles White and resold by said White to said Juan Nigueira and sold by said Juan Nigueira to me by deed bearing date the 29th day of May 1849 to his heirs and assigns forever

(sig) John M Murphy (Seal)

Witness

J W. Redman

N B. Melone

Ackgd Jany 22/50

Befor James C Carey
First Alcalde
District of San Jose

Recorded
Liber "5" Deeds pp 611

Cubra Figueroa
and all her children
To
Charles White

Mortgage

Dated Jany 28/50

Are held and firmly bound unto Charles White of the said Pueblo in the sum of $ 65 00 cts good and lawful money of the U.S. to be paid within 30 days from the date of the Bond or obligation unto the said Charles White his executors administrators or assigns to which payment well and truly to be made we bind ourselves and each of by himself for and in the whole, and the heirs executors and administrators of all and each of us firmly by these presents And the better to secure the payment of the said sum of $65 00 cts we and each of us do hereby Mortgage, pledge and Hypothecate unto the said Charles White her heirs executors and administrators & describes certain property on

market Street J

(Sig)

Jose Domingo Musa x Petra Yguera x (Seal)
Rufina Musa x Jose Musa x (Seal)

The condition of this obligation is such that if the aforesaid Petra Higuera and all of her children or either of them their or either of their heirs executors administrators shall well and truly deliver unto the said Charles White his executors administrators or assigns within the term of 30 days from the date hereof a good and valid deed from Manuel Higuera and Jose Antonio Higuera unto the said Charles White of all their portion of the inheri=tance of their deceased parents and of all their right of whatever nature in and to the Ranchs De Pala situated in the vicinity of said Pueblo then this obligation and Mortgage to be void otherwise to be and remain in full force and virtue

In Witness Whereof we have here=unto set our hands and seals at

the said Pueblo with the said Charles White hereunto present and accepting this 28th day of Jany 1850

(sig) Pedro Yguera x (Seal)
Jose Domingo Mesa x (Seal)
Martin Fro Vicente Jose Mesa x (Seal)
C L Portillo Rufina Mesa x (Seal)
Charles White
(rubrica)

State of California }
District of San Jose } On this 28th day of Jany A.D. 1850 before me personally came Pedro Yguera Jose Domingo Mesa, Jose Mesa and Rufina Mesa and declared the within deed to be their act and deed for the purpose therein mentioned

James C Conroy
First Alcalde
District of San Jose

Recorded Nov 6/57
Liber "A" Mgs pp 342

Juan Nigura and
Maria Encarnacion
his wife
to
Charles White

Deed

Dated Jany 28/58

Cons $6000.00

Walt bargained sold and conveyed to the said party of the second part and to his heirs and assigns forever all that tract or parcel of land lying and being in the District of the Pueblo De San Jose aforesaid being known as the entire North 1/2 the Rancho de Pala as granted by the Mexican Government to Joaquin Nigura by title bearing date 5th day of Nov 1835 and of the Judicial possession given thereof in accordance with said title on the Nov 21-1835 Beginning at a pile of stones as fixed and established by said act of possession on the bank of a stream known as the Arroyo de la Aguaja and including

said creek to the middle thereof
forms the Northern boundary and
from said pile of stones running
Southerly until it includes such
quantity of land as is equal to one
entire half as owned and possessed
by the said Joaquin Higuera
bring understood that the Southern
half of said Ranchs De Pala shall
contain the same width on its
Eastern line as it shall shall on
the Western line and that the
said North 1/2 shall be divided from
the South 1/2 by a straight line run-
ning Easterly and Westerly and the
North 1/2 shall be subject to such
shape as it may have according
to said act of possessing aforesaid
To have and to Hold the aforesaid
North half of said Ranchs De Pala
together with all the rights and
privileges thereunto belonging or in
anywise appertaining The said
parties of the first part obligating
and binding their heirs and assigns
to Warrant and Defend the title
to said North half of said Ranchs
De Pala against the claims all

and singular of his brothers and sisters and the said party of the first part doth hereby pledge and hypothecate an remaining fourth part adjoining to said North half as security to the said Charles White that his title to the said North half of said Ranchs shall remain undis=turbed and should there be any claim of any of the heirs of the said Joaquin Higuera held good in law they shall be satisfied from said last mentioned fourth part of said Ranchs

(sig) Juan Yguera +
Maria Encarnacion Avila +

Martin San Vicente
C L Rosalds
R M May and Ed J. Curtis

Ackgd Jany 28/58

before me personally came Juan Higuera and Maria Encarnacion Avila his wife and acknowledged that they executed the within Deed for the purposes therein mentioned"

James C Conroy

First Alcalde
District of San Jose

Recorded May 22/50
Libro "A" Deeds pp 142

Manuel Higuera
Jose Antonio Higuera
To
Juan Higuera

Deed

Dated May 16/50

Cons $1.00

Witth bargained sold and conveyed unto second party his heirs and assigns forever all their right title and Interest which they now or ever held to the Rancho De Palma Together with all their right title and Interest which they may have in law or equity under the Will of their deceased parents Joaquin Higuera and Bernardo Solo said Rancho De Pala being and lying in the County of Santa Clara being bounded by the Arroyo de la Agaya on the Northward by the Pueblo lands on the West by the lands of Antonio Chabolla on the South and by the lands known as the Canada De Pala on the North

Witness (sig) Manuel his X mark Higuera no Jr.
Absolum Peake. Jose Antonio Higuera
Maria Nicolaus his X mark Musa

Ackgd May 16/50

By Manuel Higuera and
Jose Antonio Higuera and
Maria Nicolasa Misa
wife to Manuel Higuera
Before J. M. Warmcastle
County Judge of Contra Costa Co

Recorded May 22/50

Liber A Deeds p 141

Jose Musa

To

Maria Nichalasa Musa

Deed

Dated May 16/50

Cons $1.00

Said to-gethe for a Deed with my signature in full for my husbands whole interest to the Ranchs de Pala as discribed in said Deed to Maria N Musa hath bargained and sold and conveyed all my right title and interest to the one half of an undivided moiety in the Ranch hereinafter discribed to the Ranch De Pala together with all my right interest and title which I may have in law or equity under the Will of my deceased father Joachin Higuera and Bernarda Solo said Ranchs de Pala being and lying in the County of Santa Clara being bounded by Arroyo de la Aguaga on the Northward by the Pueblo lands on the West by the lands of Antonio Chabolla on the South and by the lands known as the Canada de Pala

(sig) Jose his X mark Musa (Seal)

Witness

Absolum Drake

Jose Rottenhaustil

Ackgd. May 16/50

Before I M Warncastle

County Judge Contra Costa County

Recorded May 16/50

Liber A Deeds Fo 67

Note No further search made to this title

Probate Court Santa Clara County

In the Matter
of the Estate
of
Maria Bernardo Solo
Deceased

Reg A Page 44 Estate No 37

1850
Aug 2 Will filed
Abstract of Will of Ma Bernarda Solo
Declares that she is the widow of Juaquin Higuira who left in her charge a house built and certain personal property.
Declares her legitimate children begotten in the indicated marriage to be Ma Petra Ma Josefa (Ma Josefa) Jose Manuel Ma Antonia Juaquin. Jose Antonio deceased Teresa. Ramona Domingo Juan Ma those same has received their portion at the time they married except

1850

Aug 2 Juaquin. Jose Antonio Juan
Ma Ramona Dominga
Declares her Executors to be
Dn Jose Noriego in first place
and her son Juaquin in the
second: the same in joint
and severaly
Will place at the disposi-
tion of her son Juan Maria
One hundred Bullock and
the band of mares except
eight that belong to Jose An-
tonio. House and Mill and
certain personal property
Leaves to her daughter Dominga
a trunk with the clothing
and other personal property
Leaves to her daughter
Ramona one yoke of oxen
and ten bullocks
Leaves in favour of her
sons Juaquin. Manuel Jose
Antonio and Juan the land
mentioned
Also that the property
that remains over shall be
divided as my executors deem
proper between my legitimate

1850
Aug 2 children herein mentioning with the understanding that my daughter Mª Josefa will receive the part that belongs to her according to the disposal of my Executors

Also after complied with and paid all the expressed remainder of my goods chattles property rights and accions I institute for my only universal inheritors to be the expressed Mª Petra Mª Josefa Mª Josefa. Jose Manuel Maria Antonio Juaquin Jose Antonio Teresa Ramona Juan Mª and Dominga my children and all other legitimate decendants she has at the time of her death who she shall inherit that they may receive and take by their order and grade according to their representation and what is ordained by law

Rooks and annuls whatever other testament or testaments

1850

Aug 2 Codcil or Codocils that she
may have made or authorized
that they be of no value nor
have effect in or out of Court
now or at any other time that
they may be produced and
shown although they may
contain clauses derogatory or
particular words wich may
be found to make a special
mencion of what she at the
present does not recolect and
gives for expressing litteraly
her wish and commands that
the present be complied and
executed as her last deliberate
will in the form and manner
wich may be most right and
thus she executes not signing
not knowing how before the
present Justice of Peace of
this Jurisdiction at the
twenty ninth day of Septem-
ber one thousand eight hun-
dred and forty: the witnesses
being the Citizen Jose Noriego
a resident of the same
Pueblo and me the secretary

Justice of the Peace of the Pueblo de San Jose Guadalupe acting as a receiver (or commissioner) with two assisting witnesses in deficiency of a public writer.

Gives faith that she knows the persons opening who as it appears she finds herself in her entire judgment resolution and complete memory: in testimony of the same she signs it being written on three sheets of common paper being in deficiency of the sealed which corresponds -

Jose Fernandez

Asisting witness Asisg witness
Salvio Pacheco. Tomas Pacheco

State of California
County of Santa Clara }

I certify that the foregoing is a true and correct translation of and from a will of Maria Bernarda Soto now filed in the Probate Court.

James W. Weeks

Sworn and subscribed to before me this 30th day of September A.D. 1852.

A.C. Melone Clerk
By T.L. Burnett Deputy.

1850

August 2

Petition of Jose Noriega and Joaquin Higuera for letters filed - Sets forth that Maria Bernardo Soto late resident of Santa Clara County is dead about Sept. 29. 1840 leaving property in this County and a will bearing paid date wherein she disposes of her estate. Deceased named as Executors, first, petitioner Jose Noriega, and second Joaquin Higuera. That the heirs of deceased are Maria Petra, Maria Josefa, Jose Manuel, Maria Antonia, Joaquina, Jose Antonio, Ramona, Juan Maria, and Domingo Higuera, all children of herself and her prior husband (deceased) Joaquin Higuera. That immediately after the death of paid Maria Bernardo Soto, her will was duly probated by the 1st Alcalde of the Pueblo de San Jose acting as Judge of First Instance, and that all the above heirs consented to the disposition of her estate therein made by testatrix and have long since received and receipted for their portions of paid estate.

Petitioners wishing to avoid difficulty and litigation hereafter, present and file will for proof and pray that

the same be probated, and the former probate thereof acknowledged and confirmed. Pray that letters issue to them.

(Will not among papers)

Aug 2 — Aug. 13. 1850. set for hearing petition and proving will and that citation issue to heirs and subscribing witnesses

Probate Records 1 p. 14.

" 3 — Citation issued.

" 9 — " Filed an return shows service on all parties named in citations.

" 13 — Certificate of Clerk filed. Shows that notices had been posted.

" . — Proof of will taken and filed. Testimony of Thomas Pacheco sworn to prove the will recognizes and swears to his signature as a subscribing witness to the last will of M. B. Soto deceased. He saw Jose Fernandez and Salvio Pacheco sign at the same time. That M. B. Soto the deceased was in sound mind at the time she made the Testament. Jose Fernandez wrote the will in the capacity assumed by him. Maria Bernardo Soto was living and had her estate within the jurisdiction

of San Jose. her Rancho is about 3 leagues from the Pueblo de San Jose and was a feme sole at the time of her death and at the time of making the will.

Aug. 13. Will admitted to probate and order that letters issue to petitioners.

Probate Record A p. 15.

" " Letters issued to petitioners who never qualified.

1851

Jany 16. Petition to revoke probate of will filed by Attorneys for.

Maria Josefa Higuera de Chabolla

" " " " Dodero.

Maria Antonia Higuera de Bernal.

Theresa Higuera de Mesa

Maria Antonia de Chabolla

Maria Dominga de Feliz.

Petition sets forth that the will of deceased Maria Ramada de Pico de Higuera was made and obtained by fraud and was not freely willingly & voluntarily made. &c.

(This petition was dismissed Aug 8. 51)

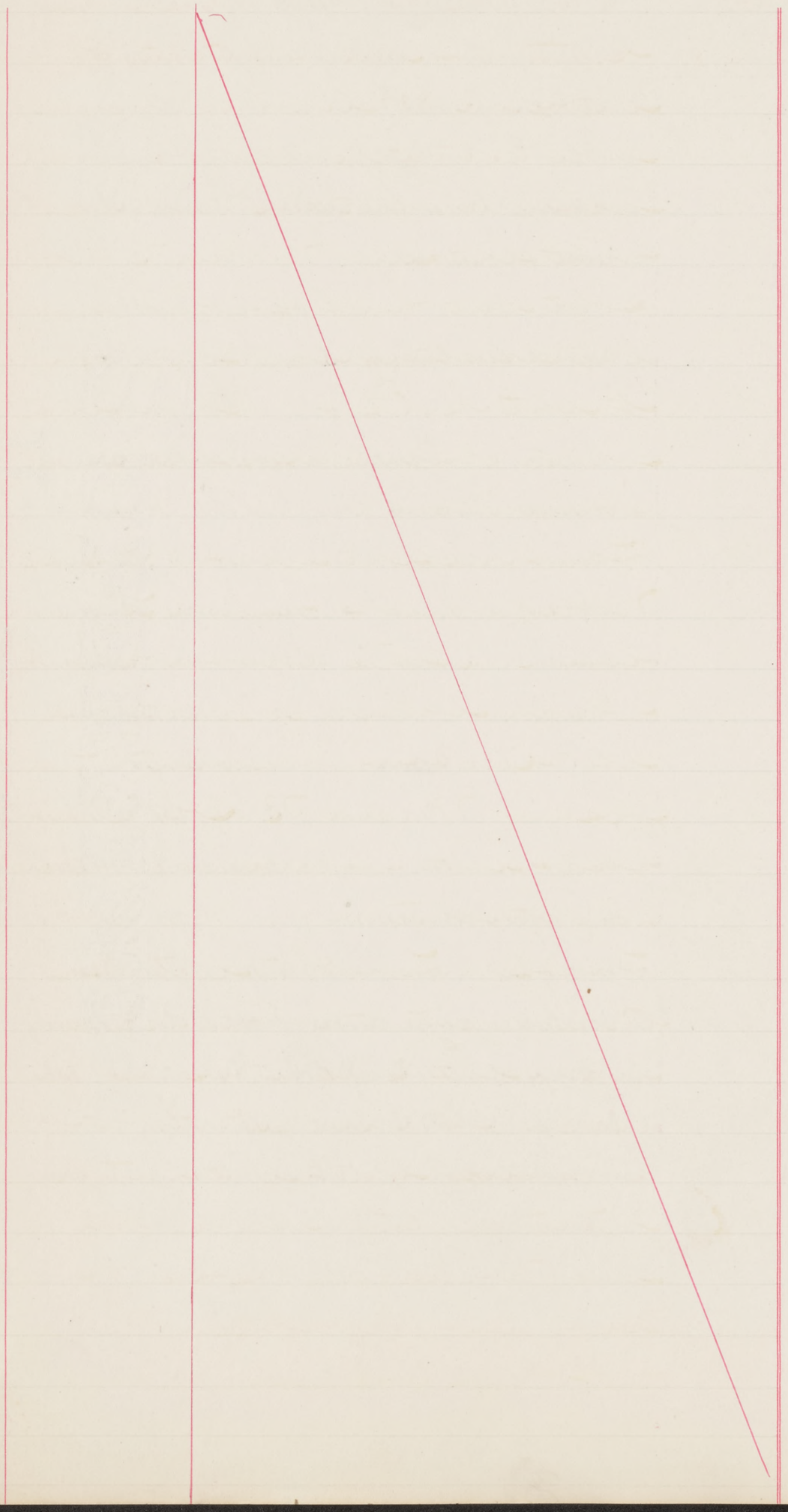
" 22. Petition of Charles White for letters filed. States that heirs are interested in the proper administration

1851 | of the estate and that Noriega has failed to properly administer &c. Notice issued &c.

Feb. 8. | Charles White appointed Adm: who duly qualified.

" " | Appraisers appointed.

Aug 8 | Petition of Teresa Higuera de Mesa, Maria Antonio Higuera de Chabolla Ramon Higuera de Chabolla residents of Santa Clara County. and Maria Josefa Higuera de Dodero. and Maria Demingo Higuera de Felis residents of Santa Cruz Co. - represently That they together with Jose Manuel Higuera, Joaquin Higuera Jr Antonio Demetri Higuera, Juan Ma Higuera and Ma. Petra Higuera, are the children and only heirs of Joaquin Higuera, and Maria Bernardo Soto his wife both now deceased.. That the said Joaquin Higuera the father of



1857

Aug 8 petitioner died intestate about the year 1837 having considerable Estate real and personal acquired after his Marriage with the said Maria Bernarda Soto the half of which under the existing law descended to the petitioners and the other children of the said Joaquin.

That in the year 1857 Jose Noriega and Joaquin Higuera filed in this Court a paper which they represented as the last will and testament of said Maria B Soto alleging that they were named Executors therein

That on 7th 8/57 letters of Administration were issued upon the Estate of said deceased to Charles White who qualified that the letters testamentary issued to the said Noriega and Joaquin Higuera were not and have not been Expressly revoked

Petitioners represent that the

1851

Aug 8 said pretended Will was and is void and the probate thereof contrary to law for the following and other reasons

1st That the paper was not made in the presence of the number of Witnesses required at the Execution of a Will by the law then in force

2d That the names of Witnesses do not appear in the body of the instrument nor whether they were or were not residents

3d That it was not Executed in the presence of an Escritano nor is it stated that the attendance of one could not be obtained nor that a greater number of Witnesses could not be obtained

4th That it was not presented to the proper Officer nor Established or proved in the manner required by the law then in force

5th That it was not signed and attested in the manner

1851

Aug 8 prescribed by the Statute

6th That by this pretended Will the whole of the Estate of said Maria Bernarda Soto is bequeathed to Jose Manuel Higuera Manuel Higuera Joaquin Higuera Jose Antonio Demetri Higuera Juan Ma Higuera and Ma Petra Higuera Except a trifling legacy to Each of 2 of your petitioners to wit Ramona Higuera de Chabolla and Maria Dominga Higuera de Lilig. the value of which legacies were not the hundredth part of the value of the share they would have been entitled as heirs &c

Prays that the Probate of said Will be revoked and petitioners declared heirs of the Estate of said Maria Bernarda Soto and Entitled to their distributive share thereof.

That no inventory has been filed ask for an order requiring Executor or administrator to make and return an Inventory

Citation issued.

1851

Aug 23 Answer of Joaquin Higuera Charles White Jose Manuel Higuera Jose Antonio Demetri Higuera Juan Maria Higuera and Maria Petra Higuera to the petition of the said petitioners Say that the said father of petitioners died in the year 1838 having a last Will and testament by which he disposed of his property to certain persons therein named that the property of said testator was distributed under said Will and petitioners approved of said will acted under it received their several portions of property left to them and each of them by said will and never made any effort to contest or dispute its validity That the said Maria Bernardo Soto died in the year 1840 having her last Will and testament That said Will was taken in due form of law, is genuine was proved before a Judicial

offices according to the laws and usages then in force in Upper Calª, that the estate of said Maria Bernardo Lots was distributed to the several devisees named in said Will and was received by each of them, that said petitioners approved said will acted under it in receiving their portions, made no effort to set it aside until the filing of said petition.

These defts further say that the said Joaquin Higuera deceased and the said Maria Bernardo Lots decd had full right and authority to make the several devises they did at the time they did at the time each made his will and the amount of property left to each legatee by both wills was a lawful partition which each testator had a right to give under the laws of the Country as they then existed.

Defts say that they are entitled to the lands mentioned in the will of said Maria deceased by prescription because they and those under whom they claim have held occupied & possessed the same for a period of more than ten years in good faith

during all of which time petrs were residents of the County which said lands lie and in which the testator died.

1851
Aug. 23. Petition of Charles White for discharge as Admr. filed.
" " Petition granted.
Probate Records A p. 137.

1852
Answer of Jose Noriega filed. Denies having anything to do with the estate as Exr.

Note: In the contest in the Probate Court to revoke the probate of the will of Maria Bernardo de Leto & to set aside the letters of admr. to Chas White a great deal of testimony was introduced all of which tended to show that the will was in due form &c. And that by the will of Joaquin Higuera she (Maria Bernardo) was entitled to will the Rancho Pala to her sons - And that the daughters had received at various times personal estate from the former Exr. Jose Noriega. Receipts are filed in favor of Jose Noriega and Joaquin Higuera as Exrs of the

last will of Joaquin Higuera for portions of the personal effects of the estate of deceased from Petra Higuera de Mesa, Maria Ant. Higuera, Ramona Higuera, Anastasia Chabolla, Manuel Higuera, Jose Ant. Higuera, and Domingo Higuera.

1852
Feb 23 — Order that execution issue for costs in favor of clerk of Probate Court.

Oct 5. — Certificate of Baptism filed —
"On Feby 18. 1784 the baptism of a child 8 days old, legitimate son of Manuel Higuera, gave to it the name of Jpho Joachim Valentino. n. on Nov. 14. 1785 of a daughter of Ignacia Soto, name given Maria Bernardo.

— Certificate of baptism of children of Joaquin and Bernardo Soto March 17. 1806 a daughter Maria Josefa.
June 14. 1812 do Maria Antonia Ramona.
Nov 18. 1818 a daughter Maria Theresa de Jesus Higuera.
Aug 2. 1820 a daughter Maria Ramona Encarnacion (

Oct 7. 1824 a son Juan Maria
Nov 25. 1828 a daughter Mª Antonia
Domingo.

Oct 7. Decree entered.

" The evidence of witnesses being heard and the argument of counsel being closed and the Court having now seen and understood all & singular the premises finds that the will of Maria Bernardo Soto was duly executed - that at the time of making said will the said Maria Bernardo Soto was of sound mind and acting without restraint.

The Court finds the issue made in the pleadings herein for the defts.

It is therefore ordered decreed and adjudged that the complaint of the petitioners herein be dismissed at cost of petrs. and that defts do recover of petrs all costs re. to be taxed by the Clerk of this Court.

& that execution issue therefor.

Recorded Probate Records 1 p 265

Joaquin Higuera
Juan Mª Higuera and
Maria Petra Higuera
To
Charles White

Deed

Dated July 12/52
Cons $ 5 00 00

Bargain sell and convey unto the said party of the second part and to his heirs and assigns forever all their right title and interest in and to all that tract or parcel of land lying and being in the County of Santa Clara and State of Cal being known as that part of the Rancho de Pala lying West of the foot of the hills which are known by a line beginning at 3 oak trees near the round hills two of which are blazed and one marked thus A from thence North=ward to three Oak trees on the bank of an Arroyo one of which are marked thus A from thence Northerly in the direction of an

Oak tree marked thus A on the top of the low hills untill it reaches the lands bought by Charles White of Juan Higuera.

To have and to hold the afore said lands with all the rights and privileges thereunto belonging or in anywise appertaining as fully as the same is held by the party of the first part.

(sig) Joaquin his X mark Higuera
Juan Maria his X mark Higuera
Maria Petra her X mark Higuera

Witness for Joaquin Higuera
Henry Bee
Frederick Hall

Witness to
Juan Maria Higuera and
Maria Petra Higuera

Ackgd July 11/52
By Maria Petra Higuera

Ackgd July 13/52
By Juan Maria Higuera

Ackgd Aug 1/52
By Joaquin Higuera
Before Frederick Hall N.P.

Recorded Aug 24/52
Liber "E" Deeds pp 96

Charles White

to

Juan Maria Higuera

Bond

Dated Jany 14/53

Recites that the said White is firmely bound unto the said Juan Maria Higuera to make unto the said -x-x-x-x-x- x-x-x- a good & sufficient deed of all my right to 1/4 part of the hills of the Ranchs of Pala when the same shall be approved by the U.S. Commissioners to settle land titles

The said 1/4 to be located adjoining to and North of the lands of Joaquin Higuera and to be divided from the lands of White and Joaquin Higuera by lines running Easterly and Westerly parallel with the Southern line of the Ranchs of Pala as laid down by Antonio Maria Pico Alcalde when he gave Judicial possession of said Ranch or as said line may be determined by the Government Survey

(Sig) Charles White (Seal)

Execution proven April 16/62
By oath of Thomas Bodley
a competent & Credible Witness
(That said Charles White
is dead)

Recorded April 16/62
Libr A Miscl P 470

Juan Maria Higuera

To

Charles White

Deed

Dated Jan 14. 1853

Cons $1000

Doth bargain sell and convey unto second party his heirs and assigns forever all his right title and interest in and to that tract of land in the County of Santa Clara being bounded on the North by the Arroyo del Agnaja on the East by the dividing ridge of the Mountain on the South by the Arroyo de Los Alisos and on the West by a line from a tree or stump marked thus X near the house of Anastasia Chavella to a pile of stones on the banks of the Agnaja Creek said Ranch being known by the name of Pala

(Sgd) Juan Maria X Higuera (Seal)

Witness

Frederick Wall

Ackgd Jan 14, 1853

By Juan Maria Higuera

Before Jno R Wilson N.P.

Recorded Sept 10. 1860

Liber N Deeds p. 460

Jose Musa
To
Antonio Barnall

Deed

Dated Jany 17/53

Cons $300

Doth grant bargain and sell all the right title and interest of first party in and to the following described real estate lying within the County of Santa Clara Towit all the right title and interest of first party in and to the Rancho de Pala

(Sig) Jose Musa (Seal)

Attest
J. M. Williams
Francisco Burniall

Proven Nov 18/53
By J M Williams
Subscribing witness
Before L Archer N.P.

Recorded Nov 18/53
Liber G Deeds p 53
No further search made of this interest

In the Probate Court, County of Santa Clara
State of California

In the matter of the Estate
of
Charles White Deceased

Register "A" page 173 Case No 90

1853
May 16 Petition of Ellen S. White filed shows: That she is the relict of the late Charles White deceased. that said Charles White died intestate on or about the 12th day of April A.D. 1853. That said decedent was a resident of the County of Santa Clara immediately before his death, and that he left a large estate in said County both real and personal which needs administering upon. Prays that due notice of this her letters of Administration be given and that after hearing the same, that letters of Administration be given and that after

1853

May 16 hearing the same, that letters of Administration be granted to her for the purpose of settling said Estate &c

---

" 18 Return of Sheriff filed certifies that on May 17" 1853 he posted up three true copies of the within notice (notice that petition of Ellen E. White for letters of Administration will be heard on May 28" 1853) in three of the most public places in the County of Santa Clara

---

" 28 Order "That Letters of Administration issue to the said Ellen E. White upon her filing a bond as required by law within ten days from the date of this order in the sum of $6000

It is further ordered that John Gantz, Peter Lunn and Isaac Branham be and they are hereby appointed Appraisers of said Estate. Thereupon the said Ellen E. White

1853

May 28 filed her Bond as above required with J. D. McKim Joseph Cram and William Ware as sureties which was approved by the Court, and Letters of Administration thereupon issued to the said Ellen E. White upon said Estate" made & entered (Book A p 330)

" " Bond of Administratrix on qualifying filed and approved

" " Oath of Administratrix made and filed

June 27 Inventory filed shows Personal Property valued at $1694.00 1/2 League of land (more or less) on the "Pala" Rancho in the County of Santa Clara valued at $8000.00 (And other Property not under search)

July 25 Affidavit of J. C. Emerson that the foregoing notice to Creditors (printed copy of notice attached) has been published in the "Santa Clara Register" a weekly paper &c, more than five weeks

1853

July 25 from June 2" 1853 to July 14" 1853
filed

Duly Verified

1854

June 26 Court allows following Claims
Ellen White Administratrix $100.00
Patrick White $1078 00
John Nobili $4200 00
and orders that they do have and recover said amounts against said estate, made and entered
{Book A {W 471

" " Report of Administratrix filed
1st Reports that she has not sold any part of the Estate
2nd That the 40 Acres of land mentioned in the inventory as belonging to the Estate aforesaid and appraised at $4000 did not in truth and fact belong to said decedent at his death but that this relator was the owner of about 30 Acres thereof by deed from said decedent and that the other ten Acres belongs to said estate. That the Claim to the Rancho Pula" has

1854

June 26 been presented to the Board of United States Land Commissioners for conformation but has not yet been decided. Asks for further time to settle said Estate

---

" " Order That said Administratrix have six months from this date to file her account for a final settlement of said Estate made and entered {Book A pg 472}

1856

Octr. 31 Citation to Administratrix for accounting issued

Nov. 8 Citation filed on return, served Nov 3rd 1856

1858

Octr. 6 Citation to Ellen E. Allen, late Ellen E. White Administratrix to show cause Oct. 25th 1858 why she does not file her account for a final settlement of said Estate, and why an attachment should not issue against her for having failed so to do as required by law issued

1858

Oct. 19 Citation filed on return, served October 13th 1858

" 28 Notice appointing Nov. 13th 1858 for hearing on settlement of account (account not among papers) and Certificate of Sheriff endorsed thereon of posting same in 3 public places in the City of San Jose filed

1860

Mch. 31 Petition of Charles E. Allen filed shows That Charles White died intestate in the City of San Francisco April 12th 1853 &c That said deceased left as heirs to his estate certain persons heretofore reported to this Court of whom there are now living Ellen E. White now Ellen E. Allen, Charles E. White and Mary E. White, the two last named being minor heirs, each under the age of 14 years

That Letters of Administration were duly issued to said Ellen E. White That said administration has not been closed

1860

Mch 31 That since the granting of the said letters of Administration the said Administratrix has intermarried with petitioner, and by operation of law said letters, by reason of the marriage aforesaid have become null and void Therefore prays that letters of Administration de bonis non upon the estate of Charles White deceased may be granted to him in pursuance of the statute in such case made and provided

---

Mch. 31 Order appointing April 12" 1860 for hearing said application and that the Clerk give notice be posting notices according to law, made and entered <Book B p 365>

" " Notice filed with endorsement by Sheriff that he posted three copies of the same in three public places in this County <naming them> filed

---

April 12 Ordered that letters of Administration "de bonis non" upon the

1860

April 12 estate rc issue to the said Charles E. Allen, upon his taking the oath prescribed by law and filing a bond according to law in the sum of $500 made and entered (Book B p 368)

1861

June 8 Bond of Administrator on qualifying filed

" 10 Letters of Administration "de bonis non" issued to Charles E. Allen and filed (with oath attached)

1862

July 5 Petition of Taliaferro D. Johnson praying that Administrator be ordered to render account filed

" 19 Order that Administrator file his account on or before August 16" 1862 and upon failure thereof that a citation issue to him returnable in 10 days made entered and filed

Aug. 16 Order continued to August 30 1862 made and entered (Book C p. 115

1862

Aug. 16 Several orders of Continuance made and entered from time to time

Oct. 29 Order That citation issue to Chas. E. Allen Administrator to show cause why an attachment should not issue to compel him to render an account of his Administration of said Estate returnable Nov. 15th 1862 made and entered

{Book C. p. 137}

Nov. 8 Order continued to Nov. 22nd 1862

{Book C p. 142}

" " Citation issued to Administrator returnable Nov. 22nd 1862

" 11 Citation filed on return with endorsement of service by Sheriff on said Charles E. Allen Nov. 8th 1862

" 22 Order that Administrator have until Decr. 6th 1862 to report in answer to citation

Dec. 6 Order that the said Charles E

1862

Dec. 6 Allen be committed to the County Jail of this County of Santa Clara, there to remain in close custody until he shall submit to the said order of this Court, and render his account as Administrator and that a warrant for that purpose issue. made and entered

{Book C p 150}

1863

Jany. 3 Attatchment on the body of Charles E. Allen Administrator issued

---

Mch. 14 Order It is ordered, that Charles E Allen Administrator on or before March 28th 1863 render and file in said Court a full account and report of all the property, estate &c that have come to his hands &c And that on a failure thereof, a citation issue requiring him to appear and show cause why an attachment should not issue, said citation to be made returnable in 10 days from that date made entered and filed. endorsed thereon is certificate of

1863

Mch. 14 Sheriff of service of copy of above order upon Charles E. Allen Administrator on Mch. 14" 1863

April 8 Report of Administrator filed shows:
That there is no money or other property except lands and Town lots belonging to said Estate For a particular description of said Real Estate, refers to the Schedule now on file rendered by Ellen E. White who was the Executrix of said Estate. The only additional property which has come into my hands is Lot No 1112 in the City of San Francisco 50 varas square Duly Verified

1864

Aug. 1 Attachment filed (issued Jany. 3 1863) Endorsed = "I hereby certify that I received the within warrant on the 3rd day of January AD 1863" and served the same warrant by arresting the within named defendant Charles E. Allen and delivering him a true copy

1864

Mch. 14 of the within, and by order of Plaintiff was released on a written order this 5th day of Feby. AD. 1863 at the County of Santa Clara and Township of San Jose.

James F. Kennedy Sheriff
by R. J. Fulton Deputy "

1865

June 3 Order allowing sum of $250 to Frederic Hall for his services as Attorney for the minor heirs in said estate, made and entered (Book B pg 619)

1873

Sept. 6 Ordered that a citation issue to the Administrator of said estate citing him to appear and show cause why he should not file final account in said estate returnable on Sept. 13th 1873 made and entered

(Book "I" pg 294)

Sept. 10 "Citation filed on return" (not among papers)

" 13 Petition for "Partial Distribution" filed (not among papers)

1873

Sept. 13 Order "On reading and filing the petition of Robert Cushing praying for a Partial distribution of the Estate of the above named deceased It is ordered that Saturday the 20th day of September A.D. 1873 at 11 o'clock AM of that day being a day of the regular September term A.D. 1873 of this Court at the Court House in the City of San Jose, County of Santa Clara, be appointed for hearing said petition, and that the Clerk give notice thereof by causing notices to be posted and served according to law" made and entered {Book "I" page 303}

" 15 Affidavit of posting notices filed {not among papers}

" 20 Order that the hearing of the petition for partial distribution be continued until Sept. 27" 1873 made and entered {Book "I" page 327}

Sept. 27 Decree of Distribution made and entered {Book "I" page 332}

1873

Sept. 27 Recites filing of petition of Robert Cushing for distribution to him of certain real estate in San Francisco County.

That the facts in said petition and herein-above stated are true and that due and legal notice of said application had been given to the Administrator of said estate personally on the 15th day of Sept. 1873 and to all parties interested in said estate as prescribed by an order of the Court made Sept. 15 1873 And the Attorney of said Administrator and heir aforesaid not opposing said application, but expressly assenting thereto.

It is ordered that the prayer of said petition be granted, and that the property aforesaid be and hereby is distributed and given to said petitioner and that the Administrator of said estate to deliver to said petitioner the property above described and it further appearing to the

1873
Sept. 27 satisfaction of the Court that Charles E. White is one of the heirs at law of said Charles White deceased, and inherited a portion of his said estate and is the vendee and purchaser of all the residue of said estate from the other parties in interest, to wit: Ellen E. White and Mary A. White and all of said parties in interest being present in Court and consenting thereto It is further ordered that all of the said estate of said Charles White deceased, both real and personal (save and except said last hereinbefore described ordered to be distributed to said Robert Cushing) be and is hereby distributed to and ordered to be delivered by said Administrator to said Charles E. White as and for his sole and separate property and estate

In the matter of the Guardianship
of the Heirs of
Charles White deceased

Reg A page 174 Case

1855
Aug. 25 Petition of Ellen E. White filed
shows: That the said Charles
White left at his death three
children all infants of whom
this petitioner is the Mother and
whose names and ages are as
follows. Thomas White aged
thirteen years. Edwin White
aged ten years and Mary E
White aged eight years. That
the said White died a resident
of said County and that your
petitioner and her children as above
named have resided in said
County ever since the decease of
said Chas. White in the month
of April A D 1853 and that
they are still residents of said
County That whatever property
the said White left is in the
hands of this petitioner as
Administratrix. That the said

1855

Aug. 25 minors have no property except such as their Father left them That it is necessary that the said children schooled managed and controlled by some one as Guardian, she therefore prays the Court to appoint her Guardian of said infants and for such other order as may be right-

---

" " It is considered and decreed by the Court that the said Ellen E. White be and she is hereby appointed Guardian of the said infant heirs of Charles White, Deceased, and it is further ordered that the said Ellen E. White do file in this Court within fifteen days from the date of this order a good and sufficient Bond as such Guardian, as required by law, in the sum of Six Thousand dollars, to be approved by the Probate Judge made and entered

{Book B page 54}

Miguel Feliz
Attorney in fact for
Dominga Yguera Feliz
To
A M Pico

Deed

Dated June 14. 1853

Cons $500

Know all men by these presents that I Miguel Feliz Attorney in fact for Dominga Feliz have this 14th day of June 1853 by and in virtue of a certain Power of Attorney to me given which power of Attorney is dated June 14th 1853 by said Dominga Y. Feliz. Grant bargained sold and by these presents do grant bargain and sell unto Antº M Pico all the right title and interest which the said Dominga Yguera Feliz has in and to the Rancho known as the Rancho de Pala in the County of Santa Clara and State of Calf.

(Sig) Miguel his X mark Feliz

Ackgd June 13. 1853

Befor H. C. Milne

County Clerk

Recorded Nov 4. 1853

Liber F of Deeds pp 427

Execution issued from District Court 3rd Judicial District Court of Santa Clara Calª

Jose Manuel Higuera et als
— vs —
Teresa Higuera de Musa et als

In Probate Court of Santa Clara County State of Calª
By virtue of an Execution issued in the above entitled cause dated on the 28th day of April 1854 - died on 29th April 1854 levy upon all the right title and interest at law and in equity of Teresa Higuera de Musa - Maria Anto Higuera. Maria Josefa Higuera Chabolla, Ramona Higuera de Chabolla. Mª Josefa Higuera de Dodero and Mª Domingo Higuera de Feliz and each of them to that certain tract of land situate in the County of Santa Clara &c about 4 miles in an Easterly direction from the City of San Jose known by the name of Rancho Pala consisting of one square league more or less

and bing the tract of land which was granted by Jose Castro then Governor ad interim of the territory of Upper Cal^a to Jose Higuera in the 5th day of Nov 1835 and advertised same and on 1st June after and legal notice &c did sell at auction in front of the Court House in the City of San Jose for cash the above described property to Wm T Wallace for the sum of 275 &c

Subject to Redumption in 6 months after which time said sale will become absolute

Dated June 1st 1857

Wm McCutchan Sheriff
By Thos Bodley D.S.

Filed June 1st 1857

Miguel Feliz and
Dominga Ygnacia Feliz
to
Antonio Maria Pico

Deed

Dated Sept 27/57

Cons $500.

Doth grant bargain sell and convey unto Antonio Maria Pico all right title and interest of first parties in and to the Rancho known as the (Rancho de Pala) situate in the County of Santa Clara

(sig) Miguel his X mark Feliz (Seal)
Dominga Ygnacia her X mark Feliz (Seal)

Witness
Peter Tracy
Henry F Parsons

Ackd Sep 30-1857
By Miguel Feliz and
Dominga Yguira Feliz
(she as wife of Miguel Feliz)
Before Peter Tracy County Clerk
and ex officio County Recorder
Santa Cruz County

Recorded Oct 5-1874

Liber G of Deeds f 399

Maria Josefa Chavolla
To
William Gours

Deed

Dated Dec 15/54

Cons $10.00

Grant bargain sell remise convey and quit claim unto the said party of the second part and to his heirs and assigns forever.

The Undivided 1/2 of the undivided interest of the said party of the first part in and to the tract of land situate in said County known as the Rancho de Pala & and other property not under search)

(sig) Maria Josefa Chavolla her X mark (Seal)

Witness
J Alex Yorll

Ackgd Dec 18/54
Before J Alex Yorll N.P.

Recorded Dec 26/54
Liber N Deeds pp 335

William Gross

To

John Yonly

Deed

Dated Dec 16/57

Cons $1000.00

Grant bargain sell remise convey and quit claim unto the said party of the second part and to his heirs and assigns forever the undivided half of the interest of the party of the first part in and to the tract of land situate in said County known as the "Rancho de Rala" (and other property not under search)

(sig) William Gross (Seal)

Witness

J Alex Yoell

Ackgd Dec 18/57

Before J. Alex Yoell N.P.

Recorded Dec 26/57

Liber N Deeds pp 336

William Goors

To

William R Yontz

Deed

Dated June 20/55

Cons $500.00

Remise release and quit claim unto the said party of the second part and to his heirs and assigns forever All the right title and interest of the said party of the first part in and to the undivided half of the undivided interest of the said party of the first part in and to the tract of land situate in said County known as the "Rancho de Pala Land other property not under search)

(sig) William Goors (Seal)

Witness

L Archer

Ackgd June 20/55

Before L Archer N.P.

Recorded June 21/55

Liber H Deeds pp 537

Nicholas Dodero and
his Wife
Josefa Dodero
To
F. A. Hihn

Deed

Dated May 16th 1856

Cons $393.00

Do bargain and sell and quit-claim to the party of the second part and to his heirs and assigns forever all land known as the Rancho de Pala situate in the County of Santa Clara and formerly owned by Joaquin Higuera Deceased. For further discription of boundary reference is made to the decree of confirmation for said Rancho Granted by the United States Land Commissioners for California

(Signed) Nicholas his X mark Dodero (Seal)
Josefa her X mark Dodero (Seal)

Signed Sealed and Delivered in presence of Peter Tracy

Acknd. May 16th 1856
Before Henry W. Peck J. P.
County of Santa Cruz

Official Capacity and and signature of the Justice of the Peace Henry W. Rice certified to June 3rd 1856 by J. C. Willson County Clerk

{Sgd} J. C. Willson County Clerk

{Seal}

Acknowd. May 27th 1857

Before Henry Rice County Judge &c

Judge County Court Santa Cruz Co.

Recorded May 28th 1857

Libro L of Deeds pp 40

Nicholas Doders and
Josefa Doders
Wife of Nicholas
to
F. A. Wihn

Deed

Dated May 16/56

Cons $393

Do bargain sell and quit claim unto said party his heirs and assigns forever all our right title and interest in and to that certain piece of land known as the Rancho de Pala formerly owned by Joaquin Higuera deceased

(sig) Nicholas his x mark Doders (seal)
Josepha her x mark Doders (seal)

Witness
Peter Fray

Ackgd May 16/56
Before Henry W Peck
Justice of Peace

Recorded June 6/56
Liber K of Deeds p. 209
Nothing further Search made of this Interest

Miguel Feliz and
Dominga Higuera Feliz
his wife

to

Antonio Maria Pico

Deed

Dated Oct 14, 1857

Cons $100.00

Do grant bargain sell and convey to second party his heirs and assigns forever all their right title and interest to that certain piece of land in the County of Santa Clara called and known as the Rancho de Pala bounded by the lands of Nicholas Berellissa and of the heirs of Anastacio Chabolla deceased containing two Mexican leagues more or less

(sig) Miguel his X mark Feliz (Seal)
Dominga Higuera her X mark Feliz —

Witness
R F Peckham

Ackgd Oct 14, 1857
By Miguel Feliz and

No. further search made against Grantor

Dominga Higuerra de Feliz
his wife (she as a married woman)
Befor N Rice County Judge
Santa Cruz Co

Recorded March 23/58
Liber L of Deeds p 477

Note: No further search made of this Title.

Jose Antonio Chebolla

To

Wm. C. Spencer

Deed

Dated Dec 14th 1857

Cons $400

Do bargain sell and convey to the party of the second part; All my right title and interest in and to the following described piece or parcel of land, to wit 160 Acres of land on the Rancho la Pula situated on the foot of the low hills about 4 1/2 miles East of San Jose in the County of Santa Clara and State of California it being the Ranch on which I now reside

(Sgd) Jose Antonio Chebolla
his x mark

In presence of
Henry E. Pottle

Acknd. Dec. 14th 1857
Before Isaac Foster J. P.
Santa Clara County

Recorded Dec. 14th 1857
Liber L. of Deeds pp 297

Note. No further Search made of this Interest.

Petra Higuera de Mesa
Juan Higuera
Antonio Higuera de Bernal
Antonio Chavolla and
Ramona Higuera de Chavolla his wife
Angel Maria Chavolla and
Josefa Higuera de Dodero

To

Jasper D Gunn

Deed

Dated Feby 24. 1858

Cons $10.00

Do remise release and quit claim unto second party his heirs and assigns forever the one undivided half of all their interest both at law and in equity in and to all that certain tract of land in the County of Santa Clara known as the Rancho de la Pala heretofore granted by the Mexican Government to Joaquin Higuera the Father of the aforementioned Petra Higuera de Mesa Juan Higuera de Bernal Ramona Higuera de Chavolla and Josefa Higuera de Dodero providing that

said interest conveyed in said Ranchs shall be all taken in a body from the joint interests of all the said parties of the first part prior to its being divided among them and provided further that said Jasper D Gunn shall at his own proper cost and without charge or expense to first parties or either of them do and perform or cause to be done and performed all and every act and thing requisite and necessary to secure to first parties and each of them the use and control of their said interests in said ranchs and provided Also further that if said Jasper D Gunn shall effect a sale of the interest of first parties or a compromise in reference thereto with any person or persons claiming an interest therein adverse to the claim of first parties which said sale or compromise shall be beneficial to said first parties and made in good faith and

for an adequate and fair price and in view of saving litigation as per tenor of a certain power of attorney bearing even date herewith executed by said parties of the first part to said second party then all the aforesaid acts and things to be done and performed by second party as the true consideration for and intent and meaning of these presents shall be considered as done and performed and fully kept by him to the satisfaction of the parties of the first part.

(sig) Petra Figueroa his X mark de Musa (Seal)
Juan his X mark Figueroa (Seal)
Antonio Figueroa his X mark de Bernal (Seal)

Witness
Thos Bodley

Ackgd Mar 16-1858
By Petra Figueroa de Musa
Juan Figueroa
Antonio Figueroa de Bernal
Before Thos Bodley N.P.

Recorded Mar 18-1858
Liber L Deeds Fo 472

Jose Blas Sibrian and
Maria Antonia Higuera
his wife

To

Michael Marshall

Deed

Dated May 5. 1858

Cons $40.00

Does grant bargain sell alien
remise release convey and confirm
unto second party his heirs and
assigns forever all their right
title and interest in and to that
certain tract of land situate
in the County of Santa Clara
and known as the Rancho de
Pala and bounded by the Arroyo
del Aguaga on the North by the
Pueblo lands of the Pueblo de
San Jose on the West on the
South by the Rancho del Socayre
or Yerba Buena and on the East
by the Mountains.

First parties covenant and
agree with second party his heirs
and assigns that they have

not made done committed Executed or suffered any act or acts thing or things whatever whereby or by means whereof the above described premises or any part thereof now or at any time hereafter shall or may be impeached charged or incumbered in any manner or way whatever

(Sig) Jose Blas his X mark Librian (Seal)
Ma Antonis her X mark Figuera (Seal)

Witness
S. O Houghton

Ackgd May 5 1858
By Jose Blas Librian and
Maria Antonis Figuera
his wife (she as a married woman)
Before Sherman O Houghton N.P.

Recorded May 6, 1858
Liber L of Deeds p 343

Michael Marshall

To

Jacob S. Stanton

Deed

Dated Dec. 9th 1858

Cons. $150.00

Doth remise release and quit claim to the party of the second part and to his heirs and assigns forever, all that piece or parcel of land in the County of Santa Clara and known as part of the Rancho de Pala bounded as follows By on the North by the claim of Halstead and Smith Peck on the West be Wm Dwall claim and the highway and on the South by the lands of Manuel Equera and said boundaries containing 160 acres of land more or less it being the same claim sold to Michael Marshall = Jose Blas Sibrian

Acknd. Dec. 9th 1858

Before J. W. Johnson J. P.
Santa Clara County

Recorded Dec 9th 1858

Libro M of Deeds. pp 89

Note No further Search made of this Interest.

Jose Antonio Figuera

To

Jasper N Gunn

Deed

Dated Aug 25. 1860

Cons $54 00

Does remise, release and quit claim unto second party his heirs and assigns forever all right title claim and interest both at law and in equity to that certain piece of land in the County of Santa Clara and known as the Rancho de la Pala and bounded by the Arroyo de la Aguja and the foot hills by the ranchs of Antonio Chavolla on the South and the Pueblo lands of the Pueblo de San Jose and containing one square league more or less

(sgd) Jose Antonio his X mark Figuera

Witness

Geo M Goell

Ackgd Sept 3. 1860

By Jose Antonio Figuera

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whose identity was satisfactorily
proven to the Notary by the oath
Pedro Musa a good and competent
Witness for that purpose duly
sworn

Befor M Yoell N.P.

Recorded Sept 3. 1866

Liber N Deeds Pg 454

Manuel Higuera and
Nicolasa Musa de Higuera
his wife

To

Jasper N Gunn

Deed

Dated Aug 25/60

Cons $50

Do remise release and quit claim unto Second party his heirs and assigns forever all the one undivided half of all the interest of first parties of in and to all that certain piece or parcel of land situate in the County of Santa Clara known as the Rancho de la Pala bounded by the Arroyo de Aguga and the foot hills by the Rancho of Antonio Chabolya on the South and by the Pueblo lands of the Pueblo de San Jose and containing one square league more or less

(Sig) Manuel his X mark Higuera (Seal)
Nicolasa Musa her X mark de Higuera (Seal)

Witness
Geo M Goell

Ackgd Sept 4. 1860

By Manuel Higuera and
Nicolasa Musa de Higuera
his wife (she as a married woman)
Befor Geo M Goell N.P.

Recorded Sept 4. 1860
Libr N Deeds fol 405

Juan Maria Higuera
by his Attorney in fact
Jasper D Gunn

To

William Daniels and
James R Lewis

Deed

Dated June 5/62

Cons $5000

Remise release and quit claim
unto the said parties of the
second part their heirs and assigns
forever All the right title claim
and interest of Juan Maria
Higuera both at law and in
equity of in and to all that
certain piece or parcel of land
lying being and situate in the
County of Santa Clara State of
California and known as the
Rancho de Pala and bounded
by the Arroyo de Agorja and the
foot hills on the South by the
rancho of Antonio Chavoya and
by the Pueblo Lands of San Jose
and Containing 1 square league

of land more or less

(sig) Juan Maria Higuera (Seal)
By his Attorney in fact
Jasper D. Gunn

Ackgd June 5/62
By Jasper D Gunn as the
Attorney in fact of
Juan Maria Higuera
Before Samuel H Wright N.P.

Recorded June 11/62
Liber P Deeds Pp 515

Juan Higuera
To
Jasper D Gunn

Power of Attorney

Dated April 10. 1862

Do make constitute and appoint Jasper D Gunn my true and lawful Attorney, in for me and in my name place and stead to ask demand sue for recover and receive all my right title and interest in and to that certain tract of land in the County of Santa Clara and known and called the Rancho de la Cala formerly granted to Jose Joaquin Higuera by the Mexican Government And I do further authorize and empower my said Attorney in fact to bring and Maintain any and all suits actions and demands in any Court whatever in my name to recover said interest in said land and to institute any and all legal proceedings to recover the same

and to employ counsel and to do
any and all acts whatsoever that
my said attorney in fact may deem
fit and necessary or proper in
the premises and to pursue into
final Judgment and execution
any process or suit as he my said
Attorney in fact may deem expe=
dient for the recovery of the same
And I do hereby authorize and
empower my said Attorney in fact
to grant bargain and sell and
convey the said land either the
whole or any part thereof for
such price or sum and upon
such terms as to him my said
Attorney in fact as shall seem
fit. And for the purpose aforesaid
I hereby authorize and empower
my said Attorney to make execute
acknowledge and deliver all re=
quisite deeds Bonds agreements
releases acquittances to the
purchaser or purchasers of said
land or to make execute acknowl=
edge and deliver any other ins=
trument under seal or otherwise
for any purpose whatsoever as to

my said Attorney in fact shall sum fit. Giving and granting unto my said Attorney in fact full power and authority to do and perform all and every act and thing whatsoever requisite and necessary to be done in and about the premises as fully to all intents and purposes as I might or could do if personally present with full power of substitution and revocation hereby ratifying and confirming all that my said Attorney in fact or his substitute shall lawfully do or cause to be done in the premises by virtue hereof

(Sig) Juan Maria his x mark Higuera (Seal)

Witness

Austin M Thompson

Ackgd April 10.1862

By Juan Maria Higuera

Befor Austin M Thompson N.P.

Recorded June 23.1862

Liber A Powers of Atty p 477.

Jasper N Gunn
To
Daniel A Liddy

Deed

Dated Aug 12/62

Cons $1000 00

Do bargain sell remise release and quit claim unto Deed party his heirs and assigns forever. All his right title and Interest in and to all that tract of land in the County of Santa Clara and on the East side of the Valley and about 5 miles from the City of San Jose and bounded on the North by the Penitencia Creek and known as the Ranchs de Pala

(Sig) Jasper N Gunn (Real)

Ackgd Jany 13/66
Before M Leavenworth Co Recorder
By H Hoffman Deputy

Recorded Jany 13/66
Liber U Deeds p 531
No further Search made of this Interest

Ellen E Allen
vs
Ogden M Alden
Gustavus Brohaskie
William McClay
W. N. Ayers

3rd District Court

Reg 6. Page 309 Case 1700

1862
Nov 1 Complaint filed

To recover the possession of the undivided 1/2 of the whole of that tract of land called "Pala" situate in the County of Santa Clara about 3 1/2 miles Easterly from the City of San Jose bounded as follows On the North by the Creek or stream called Arroyo del Aguague or "Penetencia Creek" on the South by the lands of Antonio Chabolla and the Arroyo las Alisos. On the East by the low hills and on the West by the lands of the City of San Jose

1862

Nov 1 and for costs of suit

" 3 Summons issued

Dec 16 Summons returned served on all defendants except Agden M Alden and James Fowler who were not found in Santa Clara County and filed

" 18 Default of all defendants except Agden M Alden James Fowler and J. Maltsberry entered

1864

Jany 26 Motion and order for Judgment

" " Decree rendered and filed Ordered that this cause be discontinued as to all defendants herein except William Mc Clay, Gustavus Brohaskie and W N Ayers and that judgment be entered in favor of Plaintiff and against said defendants for the possession of that tract of land (same as described in complaint) and

1864

Jan 26	for costs Roll filed & Docketed
" 30	Writ of Restitution issued
Feby 27	Writ of Restitution returned and filed Plaintiff put in possession of all property except that occupied by William Mc Clay

Ellen E Wallen

vs

Francisco Bernal
Charles Smith
J. N. Stoner
Ruferia Musadu Bernal

3rd District Court

Reg. D. page 191 Case 2122

1865

May 27 Complaint filed
To recover the possession of the undivided 1/2 of the whole of that certain tract of land containing about 1 Spanish league in superficial area and called "Pala or "Ranchs Pala"

" " Summons issued

June 19 Dismissal of action filed

Joaquin Higuera

vs

Charles E Allen
Administrator de bonis non of the Estate of
Charles White deceased
Ellen E Allen
Mary E White and
Charles E White minor
heirs of Charles White deceased
William T Wallace and
Canis T Ryland

3rd District Court
Reg'd page 208 Case 2186

1865
Sept 25 Complaint filed

To obtain a judgment and decree cancelling and annulling an alleged pretended and fraudulent deed of conveyance of July 12, 1852 whereby the plaintiff jointly with Juan Maria Higuera and Petra Higuera conveyed to Charles White all that portion of the Rancho Pala which lies West of the foot hills Beginning at three

1865
Sept 25

oak trees on the bank of an arroyo one of which oaks is marked thus A from thence Northerly in the direction of an oak tree marked thus A on the top of the low hills until it reaches the land bought by Charles White of Juan Rig=uera and which said preten=ded deed is filed herein and marked Exhibit "J"

That the fourth part of the Rancho Pala has been held in trust by the said Charles White his legal representa=tives and the said Wallace and Ryland for the plaintiff and that it be recovered to him and a partition thereof made according to the rights of the parties and that he recover the rents and profits of the same and that that portion east of the line (described as above) is situated outside of that portion of the Rancho Pala legally belonging to the heirs and

1865

Sept 25 legal representatives of the said Charles White and that the same be adjudged and decreed to the plaintiff

" " Exhibits A to Z filed

" " Summons issued

Oct 4 Order extending time to plead

" 25 Summons returned served & filed

" 27 Order granting Ryland further time to plead filed

1866

Jany 13 Demurrer confessed and plaintiff granted to file amended complaint

" 26 Amended Complaint filed

May 14 Demurrer to Amended complaint submitted & overruled.

" " Motion and order setting cause for trial.

" " Order appointing Charles E Allen

1866

May 14 Guardian ad litem of Charles E White and Mary E White minors filed.

" 15 Answer of defendants filed

" 23 Order denying motion for continuance

" " Cause submitted and taken under advisement

" 26 Findings and Decree filed

This cause having heretofore come on to be heard upon the pleadings and proofs before the Court without the intervention of a jury the respective parties appearing the Court now finds the following facts to wit

I That the defendants Ellen E Allen Mary E White and Charles E White are and were at the commencement of this action seized in fee as owners and entitled to the possession of the entire

1866

May 26 Rancho Pala in the pleadings mentioned (and as defined and bounded in and by the official survey thereof made by John Wallace as U S Deputy Surveyor on March 1858 containing 4454 8/100 Acres) except that portion thereof hereinafter mentioned as that portion thereof whereof the defendants William T Wallace and Cains T Ryland are seized in fee as owners

II That the plaintiff Joaquin Higuera did not have at the commencement of this action nor has he now any right title or estate whatsoever in or to the said Rancho Pala so defined and bounded as aforesaid or to any part thereof either at law or in equity or otherwise whatsoever

III That within the exterior lines of that portion of the said Rancho Pala whereof the said defendants Ellen E Allen Mary E White and Charles E White are seized

1866

May 26 as aforesaid the plaintiff Joaquin Figueroa tortiously entered against the will of the said last mentioned defendants and has ever since Jany 1/61 tortiously and against the will of the said defendants occupied and yet occupies 49 acres of land within said exterior lines: that the rental value of said 49 acres is and has been during all said period the sum of $3 per acre per annum: that said 49 acres aforesaid are bounded and described as follows Beginning at a stake on a line of fence which runs on the Northerly line of the lands of Wallace and Ryland and running thence N 76° E 19.85 chs to the North Eastern boundary line of said Rancho Pala thence along said boundary line N 50 3/4° W 65 chs more or less to a stake marked B thence Southerly 68 lks to a fence

1866

May 26 thence along said fence South-Easterly 59.40 chs to the place of beginning.

That the aggregate rental value of said 49 acres of land is $735.00 since Jany 1/61

III That at the commencement of this action the defendants William T Wallace and Cains T Ryland were and are still seized in fee as owners and entitled to the possession of that portion and tract of land within the exterior lines of said Ranch (as shown in the plat of the official survey thereof by the said John Wallace aforesaid) which is bounded and described as follows (not that under search)

Upon the forgoing facts it is now here by the Court ordered adjudged and decreed that the said Plaintiff has not and did not have at the commencement of

1866
May 26

this action any right title interest or estate in or to the said Rancho Pala aforesaid (so defined and bounded in said official survey thereof) or any part or parcel thereof

That the defendants William T Wallace and Louis T Ryland are sized in fee and entitled in law and equity of in and to the whole of the said 640 acre tract aforesaid (portion of said Rancho Pala) and to the possession thereof.

That the said defendants William T Wallace and Louis T Ryland do have and recover of and from the said Plaintiff the said ~~60~~ 640 acre tract of land aforesaid together with the sum of $900.00 rents and profits thereof.

That the said defendants Ellen E Allen Mary E White and Charles E White are and were at the commencement of this suit sized

1866

May 26 in fee of and entitled to the possession of all and singular the said premises called Pala according to the survey thereof by the U. S. Deputy Surveyor as aforesaid except the said 640 Acre tract belonging to the said defendants William T Wallace and Canis T Ryland That the defendants Ellen E Allen Mary E White and Charles E White do have and recover of the plaintiff the said land and premises hereinbefore mentioned as the tract of 49 Acres together with the sum of $735 00 rents and profits thereof.

And it is further ordered adjudged and decreed that the defendants in this action do recover of the plaintiff their costs herein taxed at $167 50

(Dated) May 26. 1866

(Sgd) S. B. Mc Kee

District Judge

Decree recorded in Judgment

1866

May 26	Book D page 242
" "	Roll filed & Decree Docketed
" "	Memorandum of costs and disbursements filed

Ellen E. Allen
Mary E. White et al
Charles E. White

— vs —

Francis Bernal
Rufina Musa de Bernal
Michael Magdelen
A. B. Easterbrook
L. F. Chipman
Thomas Riley
Manuel Figuera
Arlena Medora
(wife of said Manuel)
Sancho Ranga
Julius De Sangrado
Benito Juarez
Ramon Corona
Hilario Escobido
John Doe
Richard Roe
Amos Davis
Henry Daniels
John Trespass
Chequito Muchachos

3rd District Court

Reg E page 83 - Case 2467

171

1867

May 31 Complaint filed
To recover possession of all that tract of land situate in the County of Santa Clara containing 4454 8/11 acres in superficial area called "Pala" (describing same by metes and bounds) and for costs of suit

---

June 4 Summons issued

" 15 Order extending time to plead

" 17 Summons returned with certificate of Sheriff of personal service of same on June 7, 1867 on defendants Rufina Misa de Bernal Michael Madden A B Estabrook, L. T. Chipman Thos Riley Manuel Higuera and B F Wearing said B. F Wearing being sued as John Doe and Francisco Bernal and on June 20 upon Jose Misa and Lysa Sepulveda Misa his wife

1867

June 17 all in Santa Clara County and filed

" " Demurrer of Francisco Bernal and Rufina Misa de Bernal filed

" 22 Answer of defendants A. B. Easterbrook L. F. Chipman and Thomas Riley filed

Sept 20 Motion and order continuing cause

1868

Jan 20 Motion and order dismissing cause as to defendants Easterbrook, Riley and Chipman

" " Motion and order continuing cause for trial as to other defendants

" 21 Default of Michael Madden Manuel Figuera B. F. Wearing (sued as John Doe) Jose Misa (sued as Richard Roe) and Lysa Sepulveda Misa (sued as Chiquito Muchachos) entered.

1868

Jan 21 Demurrer of defendants Francisco Bernal and Rufina Misa de Bernal withdrawn

---

" " Motion and order for Judgment against all defendants served and not dismissed but without costs as to said Bernals

---

" " Judgment rendered & filed

Adjudged and Determined that the plaintiffs are now and were at the commencement of this suit together the owners in fee of all those premises and real estate described in the complaint and as against the defendants herein above named are entitled to the possession of the said premises

That the said plaintiffs do recover against the said defendants Michael Maddux Manuel Higuera B. F. Wearing (sued as John Doe) Jose Misa (sued as Richard Roe) and Lysa Dependonda Misa)

1868

Jany 21 and as Chiquito Muchacho and Francisco Bernal and Rufina Musa de Bernal his wife the possession of the whole of said premises and that against all of the said last named defendants (except the said defendants Francisco Bernal and Rufina Musa de Bernal his wife) the plaintiffs further recover all costs of this action taxed at $56.10 and that execution issue therefor

Judgment recorded in Judgment Book D. page 436

" " Roll filed Judgment Docketed

Mch 27 Writ of Restitution issued

" 28 Writ of Restitution returned plaintiffs put in the quiet and peaciable possession of the premises

---

Austin M Thompson

To

Ellen E Allen
Charles E White and
Mary E White

Deed

Dated May 31. 1867

Cons $500

Stamp 50¢ canc^d

Does grant bargain and sell convey and confirm unto said parties their heirs and assigns forever All that certain tract of land in the County of Santa Clara and lying to the Easterly of the City of San Jose and called Rancho Pala for a more particular discription whereof reference is hereby made to the U.S. Patent and the Survey thereof made by John Wallace (excepting the part of said Rancho owned by Wallace and Ryland) the interest hereby conveyed to Mrs Ellen E Allen to be held by her only as her seperate estate and so that the rents and profits thereof shall be applied

to her sole and separate use and the said Estate hereby granted to be held by the said parties of the second part in the same proportions as they held the same on the 5th day of May 1865 and not in other or different proportions

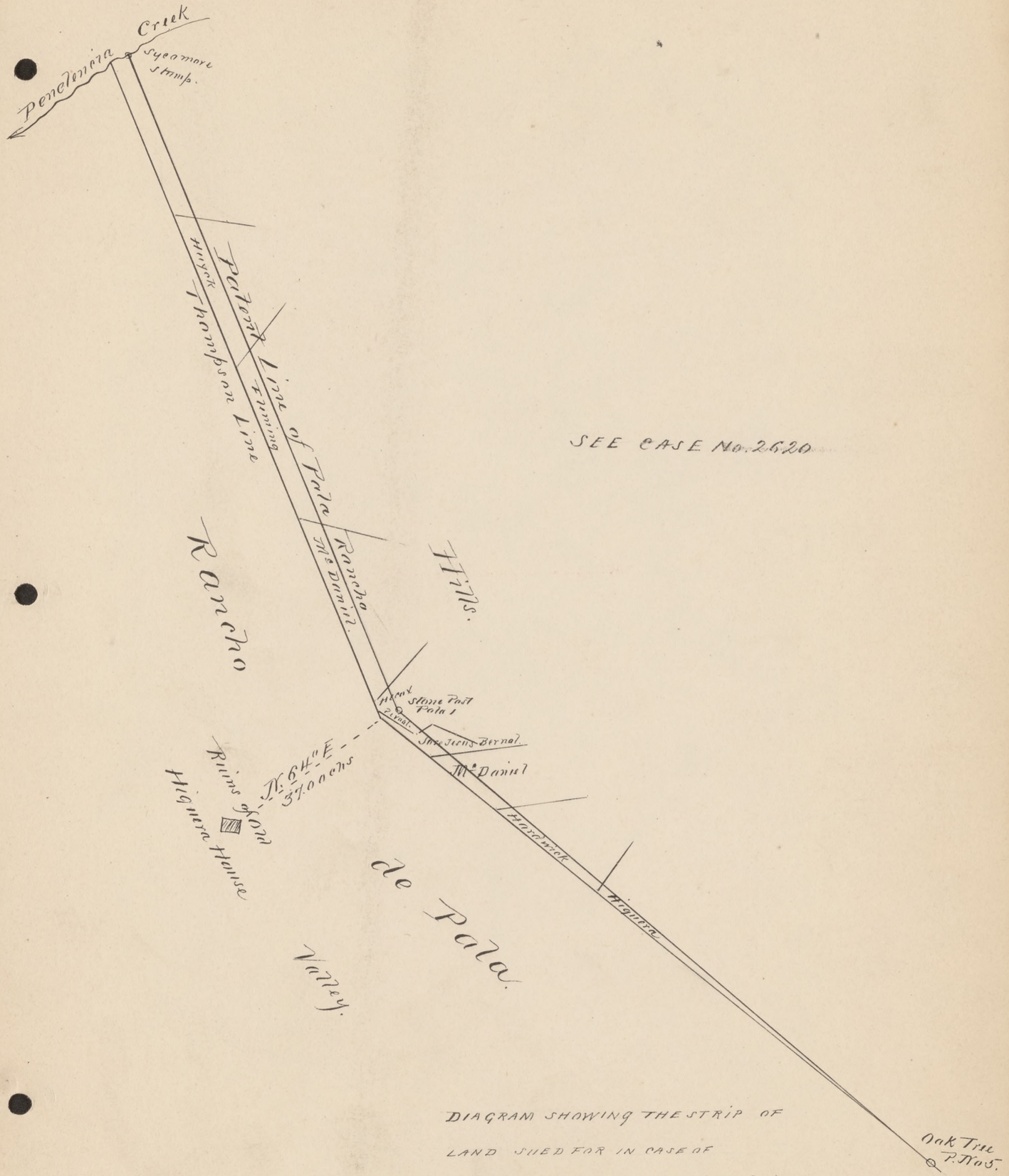
To have and to hold unto second parties for the uses and purposes and in the proportions aforesaid

(Sig) Austin M Thompson (Seal)

Witness
W. T. Wallace

Ackgd May 31. 1867
By Austin M Thompson
Before J. H. Logan N.P.

Recorded June 1. 1867
Liber X of Deeds p 574



SEE CASE No. 2620

DIAGRAM SHOWING THE STRIP OF
LAND SUED FOR IN CASE OF
C. E. WHITE vs J. W. HARDWICK et al
REFERED TO IN TESTIMONY AND
WRITTEN STATEMEN OF C. T. HEALY.

Jany 26th 1889 Charles T. Healy

EDWARDS & PITMAN
SEARCHER OF RECORDS.
SAN JOSE. CAL.

Charles E White

vs

J. W. Hardwick
John Howell
Richard Howell
A J McDaniel
William Mordand
William Fleming
Andrew L Hayck
Samuel Knapp
A J Haughton
Joaquin Higuera
Dolores Bernal de Higuera
and four fictitious names

3rd District Court
Reg E page 230 Case 2620

1868
April 11 Complaint filed
To recover possession of the whole of the following described premises being situate in the County of Santa Clara and being a portion of the tract of land called Rancho Pala and bounded and described as follows
Beginning at a stone post

1868

April 11 marked "Pala" standing at the foot of the hills from which the ruins of the old adobe house of Figuera bears S 64° W 37.00 chs: a sycamore tree 15 inches in diameter marked B.T.P No 1. bears S 15° 15' W 4.65 chs a sycamore tree 15 inches in diameter marked B.T.P No 1 bears S 59° W 5.21 chs both trees standing on the North bank of a small creek. thence North 23° W 226.25 chs to a post marked P. No 2 on the Peniteuncia Creek from which a sycamore stump marked B.T.P No 2 bears S 23° E 50 lks - a double live oak tree bears N 1° E 15 lks a sycamore tree 15 inches in diameter bears S 87° W 53 lks thence down the center of the channel of the Peniteuncia Creek following its meanderings the following courses and distances

N 84¼° W 6.90 chs S 72½° W 2.20 chs S 28° W 4.20 chs S 49¾° W 5.20 chs

1868

April 11 S 83° W 3.40 chs N 76° W 3.90 chs
S 74¾° W 4.30 chs S 27½° W 4.30 chs
S 66° W 8.00 chs S 52¾° W 3.40 chs
N 84¼° W 3.00 chs S 48° W 4.00 chs
N 85½° W 2.90 chs S 63° W 3.95 chs
S 79¼° W 7.20 chs S 59½° W 4.60 chs
S 86¾° W 6.10 chs S 48° W 6.30 chs
S 81¼° W 6.30 chs S 59½° W 11.50 chs
S 87¼° W 6.50 chs S 56½° W 6.50 chs
S 37½° W 6.30 chs S 33° W 5.00 chs
to a point in the center of the channel of said creek from which a witness post marked P No 3 bears S 29° E 50 lks a double lin oak stump 8 feet high marked B.T.P. No 3 bears S 50½° E 42 lks a sycamore tree 36 inches in diameter bears N 80° E 36 lks: a sycamore tree 30 inches in diameter bears N 86° W 1.08 chs thence S 29° E 335.81 chs to a post marked 66 at the most Western corner of a tract of land containing 657.66 acres owned by Wallace and Ryland thence N 76° E 152.89 chs to a post marked P.P. at the most Northern corner of said tract of Wallace

1868

April 11 and of Ryland thence N 50° W 150.
99 chs to the place of beginning
Containing 3873.32 acres.
And $3000.00 for the rents is=
sues and profits thereof up
to the time of entry of Judgment
herein and all costs of action

" 13 Summons issued

" 20 Summons returned served on
all defendants except William
Morland who could not be found
in Santa Clara County and
filed.

" 21 Stipulation granting time
to answer filed.

" 23 Answer of defendant Andrew
L Hayes filed.

" 27 Answer of defendants Joaq=
uin Higuera and Dolores
Bernal de Higuera his wife
filed

" " Answer of defendants J W
Hardwick John Howell and

1868 April 27	Richard Howell filed
May 1	Answer of defendant A J McDaniels filed
" 4	Answer of defendant Jose Jesus Bernal (sued as John Doe) filed
" 6	Answer of defendant John M Fleming (sued as William Fleming) filed
" 12	Answer of defendant Samuel Knapp filed
" 16	Motion and order continuing cause
Sept 26	Motion and order continuing cause
1869 Jany 11	Motion and order resetting cause
" 19	Answer of defendants J. M. Dwoul and W R Hicox (sued by the names of John Doe and Richard Roe) filed
" "	Motion of defendants for leave

1869

Jany 19 to file supplemental answers herein and order denying motion

" 25 Demand for Jury

" " Motion and order charging Jury

" 26 Map filed

" " Order submitting cause to Jury

" " Verdict of Jury rendered entered and filed

We the Jury find for the plaintiff against the defendant separately as follows to wit Against defendant Jose Jesus Bernal bounded as follows North by land in possession of Nicop and Devoul South by land in possession of A. J. Mc Daniels East by the Paltut line of Pala Ranch West by the Thompson line so called. Containing 1.00 acre more or less and being the same — formerly in possession of Manuel Figuera

1869

Jany 26 Against defendant A J McDaniel (1st Tract) bounded North by land in possession of Fleming South by land formerly occupied by one Moran now by Wicox and Devoul East by the Paluit line of the Rancho Pala as shown upon diagram West by the Thompson line Containing 15.00 acres more or less.

Against defendant A.J. McDaniel (2nd Tract) bounded North by land in possession of Jose Jesus Bernal South West by the Thompson line so called North East by the Paluit line of the Pala Rancho as shown upon the paluit and South East by land in possession of J W Hardwick Containing 5 Acres more or less.

Against defendants Wicox and Devoul bounded on the North by land in possession of A.J. McDaniel South by land in possession of Jose J Bernal East by Paluit

1869

Jany 28 line of Pala Rancho West by the Thompson line so called containing 200 acres more or less and being the same land formerly occupied by one Moran Land against other defendants for other property)

(Sgd) L. A. Ware
Inman

" " Motion and Order for Judgment

" " Motion and order default of defendants Carroll Howell and as John Howell, Francis M Howell and as Richard Howell and A. J. Houghton entered and judgment ordered in favor of Plaintiffs against the said defendants last above named in accordance with the prayer of the complaint

---

" " Judgment rendered and filed (Confirms verdict of Jury) Ordered Adjudged and Decreed that plaintiff have and

1869

Jany 26 recover of and from defendants his costs and disbursements in this action amounting to $148 cts

That judgment be entered in favor of plaintiff and against defendants Carroll Howell Francis M Howell and A J Houghton in accordance with the prayer of the complaint.

That the plaintiff Charles E White do have and recover of and from the said defendants the possession of the whole of the following described premises (same as described in complaint) and that he do have and recover of and from said last named defendants the sum of $3000 cts for the rents issues and profits of said premises.

Judgment recorded in Judgment Book D. page 606

" " Roll filed Judgment Docketed

1869

Jany 26 Memorandum of Costs and Disbursements filed

Mch 25 Stipulation setting aside Judgment against A. J. Houghton for damages but allowing it to stand as against said Houghton for possession of the premises described in complaint filed

1871

Jany 9 Order dismissing Motion for New Trial

Charles E Allen
Ellen E W Allen
his wife
Mary E White and
Charles E White

Partition Deed

Dated April 28. 1868

Recites That the said Ellen E W Allen Mary E White and Charles E White are now seized in fee as tenants in common The said Ellen E W Allen bring therein as of her separate Estate of a certain portion of the Rancho Pala situate in the County of Santa Clara in an Easterly direction from the City of San Jose (and bring all the said Rancho Pala Except 657 66 acres of the Southerly part thereof which is the property of W T Wallace and C. T. Ryland.
Now in order to effect such a partition of the portion so owned and held by them the said Ellen E W Allen Mary E White

and Charles E White as will set off to the said Charles E White his Estate in said lands in Dwrally the said Charles E Allen who unites herein only that this conveyance and partition may be effectual in law) Ellen E W Allen his wife and Mary E White have in consideration of the premises and of $1.00

Do grant bargain sell convey and confirm unto the said Charles E White his heirs and assigns forever in fee all that certain part of the Rancho Pala which is described as follows:

Beginning at a point in the outlet of the channel of the Pauletucia Creek from which a witness post marked P N°3 bears S 29° E 50 links a double live oak stump 8 feet high marked P T P N°3 bears S 50½° E 42 links a sycamore tree 36 inches in diameter bears N 80° E 36 links and a sycamore tree 30 inches in diameter bears N 86° W 1.08 chs being the most Westerly corner of the official survey of said

Rancho made by John Wallace U S Deputy Surveyor thence S 29° E 149.98 chs to a point in the center of the Santa Clara Street Road so called 80 feet wide upon the South west boundary of said Rancho thence along the center of said road N 59° E 35.95 chs to the center of a road 60 feet wide thence along the center of said road N 36¼° W 17.42 chs N 32½° W 43.47 chs to the intersection of a road 60 feet wide thence along the center of said Road N 49½° E 35.30 chs thence leaving the road N 26¾° W 40.57 chs to a post marked V V thence N 68¾° E 47.44 chs to a post marked L upon the North East boundary of said Rancho as surveyed by said Wallace thence along said boundary N 23° W 37.32 chs to a post marked P N° 2 on the Purisima Creek from which a sycamore stump marked B.T.P N° 2 bears S 23° E 50 links a double live oak tree bears N 1° E 15 lks a sycamore tree
xx 15 links in diameter bears S 87° W 53 lks being the most Northern Corner of said Rancho thence

down the center of the channel of said Creek following its meanderings

N 84¼° W 6.90 chs
S 72¼° W 2.20 chs
S 28° W 4.20 chs
S 49¾° W 5.20 chs
S 83° W 3.40 chs
N 76° W 3.90 chs
S 74¾° W 4.30 chs
S 27½° W 4.30 chs
S 66° W 8.00 chs
S 52¾° W 3.40 chs
N 84¾° W 3.00 chs
S 48° W 4.00 chs
N 85½° W 2.90 chs
S 63° W 3.95 chs
S 79¼° W 7.20 chs
S 59½° W 4.60 chs
S 86¾° W 6.10 chs
S 48° W 6.30 chs
S 81¼° W 6.30 chs
S 59½° W 11.50 chs
S 87¼° W 6.50 chs
S 56½° W 6.50 chs
S 37½° W 5.00 chs to the place of beginning Containing 979.22 acres
And the said Charles E White

Does grant bargain and sell and convey unto them the said Ellen E W Allen & to be held and possessed by her as of her separate Estate only and so that the rents issues and profits thereof shall be applied to the sole and separate use) and to the said Mary E White in fee all the other and remaining portion of that part of the Rancho Pala therein before mentioned as the part whereof partition should be made (Excepting of course the said premises herein conveyed to the said Charles E White in severalty To have and to hold the said interest and Estate hereby conveyed to the said Ellen E W Allen and Mary E White as tenants in Common in the same proportions to each of them respectively as they are or may be entitled as being respectively the Widow and the heir at law of Charles White deceased

(sig) Charles E Allen (Seal)
E E Allen (Seal)
Mary E White (Seal)
Charles E White (Seal)

Ackgd May 1. 1868

By Mary E White

Charles E White and

Charles E Allen

Ellen E Allen his wife

All Before Charles G Thomas N.P.

Recorded May 1/68

Liber 9 Deeds p 101

Charles E Allen
Ellen E Allen
his wife and
Mary E White
To
Charles Edmund White

Deed

Dated Nov 8, 1869

Cons $1.00
Stamp 50¢ canc'd

Do grant bargain sell alien remise release convey and confirm unto second party his heirs and assigns forever all that certain tract of land situate in the County of Santa Clara and described as follows that certain tract of land called and known as the Pala or Rancho Pala lying Easterly of the said City of San Jose (and other property not under search)
Covenant of warranty as to acts of first parties or those claiming by from or under them

(Sig) Charles E Allen (Seal)
Ellen E W Allen (Seal)
Mary E White (Seal)

Ackgd Nov 8-1869
By Charles E Allen and
Ellen E W Allen his wife
(she as a married woman)
Befor James R Love Jr N.P.

Ackgd Nov 8. 1869
By Mary E White
Befor James R Love Jr N.P.

Recorded Nov 9, 1869
Liber 16 Deeds Pp 123

Charles E Allen and
his wife
Ellen E W Allen and
Mary E White
to
Charles E White

Deed

Dated Dec 1/71

Cons $1.00

Grant bargain sell convey and confirm unto the said party of the second part and to his heirs and assigns forever All that part of the Rancho Pala in the County of Santa Clara and State of Cal. which is described as follows to wit Commencing on the Western boundary of the Pala Rancho as finally surveyed by John Wallace U.S. Deputy Surveyor at a point where the outer line of the road which is the prolongation of Santa Clara Street in the City of San Jose intersects said boundary line thence along said boundary line S 29° E 185.83

chs to a post marked "C C" standing at the North West corner of land owned by Wallace and Ryland thence along the Northern line of the said land of Wallace and Ryland N 75° 52' E 152.82 chs to a post in the Eastern boundary line of the said Ranchs standing at the most Northerly corner of the said Wallace and Ryland tract thence along the said Easterly line of the said Ranchs N 50° W 150.99 chs to a post marked P a la standing at the foot of the hills from which the ruins of the old Adobe house of Higuera bears S 64° W 37.00 chs distant thence continuing along the Eastern boundary line N 23° W 188.93 chs to a post marked L standing at the corner of land heretofore conveyed to Charles E White by Charles E Allen and others by deed dated April 28th 1868 and recorded in Liber 9 of Deeds pages 101, 102, and 103 Records of Santa Clara County thence along the line of said land

described as aforesaid S 68 3/4° W 47.
47/100 chs to a post marked "U U" and
thence S 26 3/4° E 40.51 chs to the
center of a road 60 feet wide thence
along the center of said road S 49 1/2°
W 35.30 chs to the intersection of
another road 60 feet wide thence
along the center of said last men=
tioned road S 32 1/2° E 43.47 chs and
S 36 1/4° E 17.42 chs to the center of a
road 80 feet wide which is a
prolongation of Santa Clara
Street in the City of San Jose
and thence along the center line
of said last mentioned road S 59°
W 35.95 chs to the place of begin=
ning and containing 28 92 85/100
acres of land more or less (and
other property not under search)

(Sig) Charles E Allen (Seal)
Ella E Allen (Seal)
Mary E White (Seal)

Ackgd Dec 11/71
Befor W F Aram N.P.

Recorded Dec 11/71
Liber 23 Deeds pp 263

201

Charles E. White

To

Edward Healey

Deed

Dated Nov. 15th 1881

Cons. $9463 44/100

Does grant bargain sell and convey unto the said party of the second part and to his heirs and assigns forever, All that certain lot piece or parcel of land, situate lying and being in the County of Santa Clara State of California and bounded and described as follows to wit All that certain piece or parcel or tract of land, lying and being in the County of Santa Clara State of California. described as follows to wit, Beginning at the point of intersection of the Southern line of the Story Road with the Eastern line of The Evergreen or White Road, and running thence along the Eastern line of said White road S. 36° 15' East 27.06 chains to a 2x4 Redwood post. Thence N. 49° 30' E. 43 chains 2 1/2 links to a 2x4 Redwood Post-

standing on the western line of the Lively Road. Thence along the last named line N. 60° 5' W. 3.53 chains and N. 41° 15' W. 23.66 chains to a 2x4 Redwood Post standing at the intersection of the aforesaid Southern line of the Stow road, with the western line of the Lively road and thence on the Southern line of the Stow Road, S. 49° 30' W 39.54 chains to the place of beginning Containing 110 $\frac{04}{100}$ Acres, and being a portion of that larger tract of land known as the Rancho Pala in said County and State

(Signed) Charles E. White (Seal)

Witness
Jas. R. Lowe

Acknowd. Nov. 3" 1881
Before Jas. R. Lowe N. P.

Recorded Nov. 3" 1881
Liber 61 of Deeds Pg 339

Edward Healey
To
Charles E. White

Mortgage

Dated Nov. 3" 1881

To secure the payment of $4,600 and interest &c

Mortgages (The property under search)

Recorded Nov. 3" 1881

Libr 42 of Mortgages p 431

Satisfied in full on the margin of the Record April 1st 1882 by Chas. E. White and duly attested by County Recorder

Edward Healey

To

John A. Gavin

Agreement to Sell

Dated March 29th 1887

Recites that First party in consideration of the sum of $1000 has agreed and does agree on or before November 1st 1887 and upon the further receipt of $18250 as below specified To sell and convey to Second party by a deed of Grant, bargain and sell all that lot of land in the County of Santa Clara all that parcel of land described as follows 110 4/100 Acres of land Being the Northerly 110 4/100 Acres of Lot No Fourteen of the subdivision of the Pala Ranch and being bounded on the North by the Story Road on the East by the Robinson Road on the South by one Hadey, on the West by the Evergreen and Berryessa Road $6000 on November 1st 1887 $12250 on or before one year from Nov. 1st 1887 with interest at 8% per annum. The crop on said premises is reserved

and possession to be given November 1st 1887

(Sgd) Edward Healey (Seal)
John A Gaver (Seal)

Witness
Will S. Clayton

Sworn March 29th 1887
By Will S. Clayton
subscribing witness
Before James B. Capp N.P.

Recorded April 7th 1887
Libre N of Miscellaneous p 55

Edward Healey

To

John A Garrr

Deed

Dated Sept. 13th 1887

Cons. $19250.00

Does grant bargain sell convey and confirm unto second party his heirs and assigns forever all that parcel of land in the County of Santa Clara State of California Beginning at the point of intersection of the Southern line of the Story Road with the Easterly line of the Evergreen or White Road and running thence along the Eastern line of said White Road S 36° 15' E 27.06 chs to a 2x4 redwood post thence N 49° 30' E 43 chs 2½ lks to a 2x4 redwood post standing on the Western line of the Lovely Road thence along the last named line N 60° 51' W 3.53 chs. and North 41° 15' W 23.66 chs to a 2x4 redwood post standing at the intersection of the aforesaid Southern line of the Story Road with the Western

line of the Lively Road and thence on the Southern line of the Story Road S 49° 30' W 39.54 change to the place of beginning containing 110 $\frac{0}{100}$ acres and being a portion of that larger tract of land known as the Rancho Yala in said County and State

(Sgd) Edward Healey (Seal)

Witness

James B Capp

Acknowd Oct. 26th 1887

By Edward Healey

Before James B Capp N.P.

Recorded Oct. 26th 1887

Liber Deeds pp

John A Gawn

To

Edward Healey

Mortgage

Dated Sept. 15th 1887

To secure payment of $12250 on or before one year from November 1st 1887 with interest @ 8% per annum payable annually

Mortgages all that Real property (Same as in the Deed from Healey to Gawn see forward)

Witness

James B. Capp

Acknd Sept. 8th 1887

By John A Gawn

Before James B. Capp N. P.

Recorded Oct. 26th 1887

Liber 78 Mortgages pp 132

Satisfied in full on margin of record Aug 29th 1888

By Edward Healey

Attest Co Recorder

John A. Garvey

To

W. S. Richards and
W. C. North

Deed

Dated Dec. 12th 1887

Cons. $27000

Does grant bargain sell convey and confirm unto second parties and to their heirs and assigns forever all that certain piece of land situate in County of Santa Clara State of California and bounded and described as follows Beginning at the point of intersection of the Southern line of the Stony Road with the Easterly line of the Evergreen or White Road and running thence along the Eastern line of said White Road S 36° 15' East 27.06 chs to a 2x4 Redwood post Thence N 49° 30' East 43 chs. 2 1/2 links to a 2x4 Redwood post standing on the Western line of the Lordy Road. Thence along the last named line N. 60° 51' West 3.53 chs and N 41° 15' West 23.66 chs. to a 2x4 redwood post standing at the intersection of the aforesaid Southern line of the Stony Road with the Western line of the Lordy Road and thence on the Southern line of the Stony Road S 49° 30' West 39.54 chs.

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to the place of beginning, Containing 110 7/100 acres and being a portion of that larger Tract of land known as the Rancho Pala in said Santa Clara County and State said second parties assuming the payment of a certain mortgage for $12,250 Dated Sept. 13th 1887 in favor of Edward Healdy

(Sgd) John A. Garner (Seal)

Acknowd. Dec. 13th 1887

Before George H. Salisbury N. P.

Recorded Dec. 13th 1887

Libre 100 of Deeds p 394

Taxes

State and County

1887-1. to 1887-8. Paid -

No Judgment Liens

San Jose March 2-1888
at 9 o'clock AM.
Edwards & Pitman
Searchers of Records

EDWARDS & PITMAN
SEARCHER OF RECORDS.
SAN JOSE. CAL.

Continuation
of
The Foregoing Abstract.

As to Lots No. 2. 3. 4. 5. in Richards and Nathis Subdivision in the Pala Ranchs. as shown on the Map of said subdivision on record in the office of the County Recorder in Book D of Maps p. 27.

W. C. North

To

Eleanor B. North
his wife.

Deed.

Dated August 8, 1889

Cons: love and affection.

Does hereby give and grant to Eleanor B. North his wife the following real property situate in the County of Santa Clara.

The undivided one half of a tract of land (same as described in deed given to Richards & North Liber 100 of deeds p. 394.)

Excepting from this conveyance those portions of said tract heretofore sold by Richards & North and designated as Lots 6 & 7 on their plat of subdivision of the Pala Rancho on record in the Recorders Office.

(And other property.)

(Sgd) W. C. North (seal)

Ack August 8, 1889

Before Wm. B. Covel N.P.

Recorded August 8, 1889

Liber 120 of Deeds p. 97.

Taxes.

State and County.

1888. 89. Paid.
1889. 90. Paid.

No Judgment Liens.

San Jose December Third 1889 at Nine A. M. } Edwards Pitman Searchers of Records.

Continuation
of
Foregoing Abstract,

AS TO

The property described in the following deed to

Arthur H. Washburn.

222

1

I N D E X

GRANTOR		GRANTEE	INSTRUMENT	PAGE
			Caption	222
North,E.B.et al	To	M.Washburn	Deed	223
Washburn,L.M.	To	W.S.Richards	Mortg.	225
Richards,W.S.	To	L.M.Washburn	Pt.Rl.Mortg.	226
Washburn,L.M.	To	A.H.Washburn	Deed	227
			Taxes	229
			Caption	230
			Taxes	231
			Caption	232
Washburn,A.H.et ux	To	U.Svgs.Bnk.	Mortg.	233
			Taxes	234
			Caption	235
Washburn,L.M.	To	S.Richards	Mortg.	236
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			Caption	238
Washburn,L.M.	To	A.H.Washburn	Deed	239
Washburn,A.H.et ux	To	L.M.Washburn	Deed	240
Washburn,L.M.	To	W.S.Richards	Mortg.	241
			Note	242
Washburn,A.H.et al		Water	Claim	243
			Taxes	244

Eleanor B.North and

W. S. Richards

To

Lucy M.Washburn.

DEED.

Dated Dec.13,1889.

Cons.$10.

Grant,bargain,sell,convey and confirm unto the said party of the second part and to her heirs and assigns forever,all those certain pieces or parcels of land in the County of Santa Clara,State of California,bounded and described as follows, to wit:

Beginning at a point distant 10.04 chs Southerly from the intersection of the Southerly line of the Story Road with the Easterly line of the White or Evergreen Road and running thence North 49° 30' E.20.20 chs more or less to a stake at the South West corner of Lot 9; thence S.38° 48' E.2.469 chs to a stake at the North East corner of Lot number 3; thence S.49° 30' W.20.32 chs to a stake on the East side of the Evergreen or White Road at the North West corner of said lot number 3;thence N. 36° 15' W.2.479 chs to the place of beginning,and being the South 1/2 of Lot number 2 and all of

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Lots 3.4.and 5 of Richards and Norths Subdivision of a portion of the Rancho Pala according to a map of the same recorded in Book D of maps page 27 Records of Santa Clara and containing 35 acres of land.

Acknd. Dec.13,1889.

(by Eleanor B.North described as a married woman and by W.S.Richards)

Before J.Hinman N.P.

Recorded Dec.13,1889.

Book 122 Deeds Page 102.

Lucy M.Washburn

To

W. S. Richards.

MORTGAGE.

Dated Dec.13,1889.

To secure the payment of two certain promissory notes for $2500.each payable on November 30,1890, and November 30,1891,with interest according to the terms of said notes and such additional sums as may be hereafter loaned.

Mortgages premises (same as in Liber 122 of deeds page 102, Richards and North to Washburn)

Second party agrees that upon receipt of $1500. on or before Feby.28,1890,he will release the South 1/2 of Lot 2 and the North 1/2 of Lot 3, being the Northerly 10 acres of the above described land.

Acknd. Dec.13,1889.

Before J.Hinman N.P.

Recorded Dec.13,1889.

Book 87 Mortgages Page 316.

Entered by San Jose Abstract Company
Searcher

Mem 5/92

Satisfied in full on the Margin of Record May 14-1892 by W. S. Richards, attested by the County Recorder.

Entered
By
Searcher

220

SAN JOSE ABSTRACT TITLE & TRUST CO.
SAN JOSE, CAL.

W. S. Richards

To

Lucy M.Washburn.

Partial Release of Mortgage.

Dated Dec.21,1889

In Consideration of $1500 those parcels of land described as follows,to wit:

Being the South 1/2 of Lot 2 and the N.1/2 of Lot 3 of Richards and Norths Subdivision of a portion of the Rancho Pala are hereby released from the lien of a mortgage made by Lucy M.Washburn to W.S.Richards dated Dec.13,1889 and recorded in Liber 87 Mortgages page 316.

Acknd. Dec.21,1889.

Before J.Hinman N.P.

Recorded Dec.21,1889.

Book I Releases Mortgages Page371.

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Lucy M. Washburn

To

Arthur H. Washburn.

DEED.

Dated Jany. 11, 1890.

Cons. $10.

Grant, bargain, sell, convey and confirm unto the said party of the second part and to his heirs and assigns forever, all that certain lot, piece or parcel of land situate in the County of Santa Clara State of California, bounded and particularly described as follows, to wit:

Beginning at a point distant 10.04 chs Southerly from the intersection of the Southerly line of the Story Road with the Easterly line of the White or Evergreen Road and running thence North 49°30' E. 20.21 chs more or less to a stake at the South West corner of Lot No. 9: thence S. 38°48' E. 4.925 chs more or less to a stake at the South East corner of lot No. 8: thence S. 49° 30' W. 20.42 chs more or less to a stake on the East line of the White or Evergreen Road: thence N. 36° 15' W. 4.94 chs more or less to the point of beginning. Being the South one half of Lot No. 2 and the North one half of Lot number 3 of Richards and North's Subdivi-

SAN JOSE ABSTRACT TITLE & TRUST CO.
SAN JOSE, CAL.

sion of a portion of the Rancho Pala according to a map of the same recorded in Book D of maps page 27. Containing 10 acres of land.

Acknd. Jany.11,1890.

(By Lucy M.Washburn a single woman)

Before J. Hinman N.P.

Recorded Jany.11,1890.

Book 124 of Deeds Page 58.

SAN JOSE ABSTRACT TITLE & TRUST CO.
SAN JOSE, CAL.

T A X E S .

State and County.

Fiscal years

1890-91 PAID.

1891-92 On Land.

1st Installment Paid.

2nd installment Now a Lien and payable.

On Richards Mtge. All paid.

NO JUDGMENT LIENS.

The foregoing Continuation consisting of pages One to Eight inclusive, made at SAN JOSE, CAL. December Fourteenth 1891, at Nine o'clock A.M.

SAN JOSE ABSTRACT, TITLE AND TRUST COMPANY.

By J. C. Edwards Manager.

SAN JOSE ABSTRACT TITLE & TRUST CO.
SAN JOSE, CAL.

Continuation of The Foregoing Abstract.

AS TO

The Interest of Lucy M. Washburn.

Subsequent to December 3rd.1889.

For Instruments affecting see pages 2,3,4,5,6,& 7 of foregoing Continuation.

NOTHING FURTHER

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T A X E S

S T A T E A N D C O U N T Y

Fiscal years,

1889-90	)	
	)	
to	)	PAID
	)	
1891-92	)	
1892-93		NOW A LIEN

N O J U D G M E N T L I E N S

The foregoing CONTINUATION consisting of pages 9 to 10 inclusive, made at SAN JOSE CAL. May 6th. 1892, at 9 o'clock A.M.

SAN JOSE ABSTRACT, TITLE AND TRUST COMPANY

By J C Edwards Manager

SAN JOSE ABSTRACT TITLE & TRUST CO.
SAN JOSE, CAL.

Continuation of The Foregoing Abstract.

AS TO

The Interest of Arthur H.Washburn.

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11

Arthur H. Washburn and

Jessica T. Washburn, his wife,

TO

Union Savings Bank of San Jose,
(a corporation)

MORTGAGE

Dated January 15th. 1892

To secure the payment of $3000.00,

payable on January 15th. 1897, with interest at the rate and payable according to the terms of a certain Promissory Note of even date herewith; the makers of the note reserve the right to pay said note on January 15th. 1895.

Also as security for such additional sums as may be hereafter loaned by said mortgagee to said Mortgagors.

Mortgages premises, (same as in Liber 124 of Deeds, Page 58, Lucy M. Washburn to Arthur H. Washburn).

(and other property)

Acknd. January 15th. 1892.

Before Nick Bowden, N.P.

Recorded January 15th. 1892.

Book 105 of Mortgages, Page 163.

Satisfied in full on the Margin of the Record Jany 15-1895 by Union Savings Bank of San Jose by W. W. Wright President & Ant Friant Secretary
Attest Chas Cyphe Co. Recorder
J. M. Pitman

Indexed by San Jose Abstract Company
Searched
SAN JOSE ABSTRACT TITLE & TRUST CO.
SAN JOSE, CAL.

233

12

T A X E S

S T A T E A N D C O U N T Y

Fiscal years,

1891-92	PAID
1892-93	NOW A LIEN

N O J U D G M E N T L I E N S

The foregoing CONTINUATION, consisting of pages 11 to 13 inclusive, made at SAN JOSE, CAL. May 5th. 1892 at 9 o'clock A.M.

SAN JOSE ABSTRACT, TITLE AND TRUST COMPANY

By J. C. Edwards Manager

234
13

Continuation
of
The Foregoing Abstract.

AS TO

THE INTEREST OF

LUCY M. and ARTHUR H. WASHBURN.

Lucy M. Washburn, (unmarred woman)

— TO —

Seth Richards,

M O R T G A G E

Dated May 14,1892,

To secure the payment of a promissory note of even date herewith, for the sum of $2500.oo payable 12 months after date, with interest at 8% per annum, payable semi-annually, or to compound.

Mortgages the South half of Lot 3 and all of Lots 4 and 5 of Richards & North's Subdivision of a portion of the Rancho Pala, according to Map of the same recorded in Book D of Maps, Page 27, Records of Santa Clara County Cal, and containing 25 acres of land.

Acknd, May 14,1892

Before J. Hinman, N.P.

Recorded May 14,1892

Liber 110 of Mortgages, Page 26

Assigned to William S.Richards, by written Assignment,

Dated July 9,1892,

Executed and acknowledged by Seth Richards,

Recorded July 25,1895

Liber H Assignments of Mortgages, Page 282

— See over —

SAN JOSE ABSTRACT COMPANY
SAN JOSE, CAL.

Cancelled by a Release

Dated Apr 3-1896

Executed by William S Richards

Recorded Apr 4-1896

Liber O of Releases of Mortgages page 600

Entered by San Jose Abstract Co.

By Purdy

T A X E S

S T A T E and C O U N T Y

Fiscal years,

1892-93)
)
— to — : PAID
)
1894-95)

1895-96 On Land. 1st. installment PAID

2nd. installment, DUE & PAYAVLE.

On Mortgage, Seth Richards,

1st. installment, DELINQUENT. $18.13 +15%

2nd. " DUE & PAYABLE. $18.12

Mortgage, H.B.Lord,

1st.installment, PAID) Note: This
)Mort'g does not
2nd. " Payable)cover prop. but
)is assessed
)against same.

1896-97 NOW A LIEN

N O J U D G M E N T L I E N S

The foregoing CONTINUATION consisting of pages 235 to 237, inclusive, made at SAN JOSE, CALIFORNIA, MARCH Twenty-seventh, 1896 at Nine o'clock A.M.

SAN JOSE ABSTRACT COMPANY

By J. C. Edwards

Manager.

Continuation of the Foregoing Abstract

as to

The Same Property

As shown by the official records of the

County of Santa Clara, State of California.

Lucy M. Washburn

TO

Arthur H. Washburn

DEED.

Dated April 3, 1896.

Cons: $10.00.

Does grant, bargain and sell, convey and confirm unto the second party and to his heirs and assigns forever, all that parcel of land situate in the County of Santa Clara, State of California, and described as follows:

2/ Beginning at a point distant 22.29 chs. Southerly from the intersection of the Southerly line of the Story Road with the Easterly line of the White or Evergreen Road, and running thence N. 49° 30' E. 20.74 chs., more or less, to a stake at the South Easterly corner of Lot No. 4; thence S. 46° 57' E. 4.76 chs, more or less, to a stake at the South West corner of Lot No. 6; thence S. 49° 30' W. 21.305 chs., more or less, to a stake on the East line of the White or Evergreen Road; thence N. 36° 15' W. 4.77 chs., more or less, to the point of beginning, being the whole of Lot No. 5 of Richards' and North's Subdivision of a portion of the Rancho Pala, according to a Map of the same recorded in Book D of Maps, page 27 and containing 10 acres of land.

Acknd. April 3, 1896.

Before J. Hinman, N.P.

Recorded April 4, 1896.

(at 9:02 o'clock A.M.)

Liber 187 of Deeds, page 546.

SAN JOSE ABSTRACT COMPANY
SAN JOSE, CAL.

Arthur H. Washburn and

Jessica Washburn, his wife

TO

Lucy M. Washburn

D E E D.

Dated April 3, 1896.

Cons: $10.00.

Do grant, bargain, sell, convey and confirm unto the second party, and to her heirs and assigns forever, all that parcel of land situate in the County of Santa Clara, State of California, and described as follows:

(Same as in Liber 124 of Deeds, page 58 Washburn to Washburn.)

Acknd. April 3, 1896.

Before J. Hinman, N.P.

Recorded April 4, 1896.

(at 9:03 o'clock A.M.)

Liber 186 of Deeds, Page 578.

Lucy M. Washburn

TO

William S. Richards

MORTGAGE.

Dated April 3, 1896.

To secure the payment of $2500.00.

Mortgages the South one-half of Lot No. 2 and all of Lots Numbers 3 and 4 of Richards' and North's Subdivision of a portion of the Rancho Pala in Santa Clara County, California.

Recorded April 3, 1896.

Liber 135 of Mortgages, page 112.

Cancelled on the margin of the record October 29, 1897, by William S. Richards, and duly attested by the County Recorder.

NOTE: A Certified Copy of the Decree of Distribution duly given and made by the Probate Court of the County of Santa Clara, State of California, on September 27, 1873, in the Matter of the Estate of Charles White, Deceased, was filed for record in the Office of the County Recorder of the County of Santa Clara, State of California, on March 23, 1900 and recorded therein in Liber 226 of Deeds, Page 495.

In and by said Decree all of the property of said estate, both real and personal, excepting a lot in the City and County of San Francisco, was distributed to Charles E. White as and for his sole and separate property and estate.

Water Claim

of

Arthur H. Washburn and

Lucy M. Washburn

Dated June 9, 1914.

The undersigned appropriate the water running in this stream to the extent of 50 miners inches during an irrigating season of 100 days.

The purpose of this appropriation is the irrigation of orchard and field crops upon land owned by the undersigned, being the South 1 acre of Lot 8 and the South 1/2 of Lot 2 and the whole of Lots 3, 4 and 5 of Richards'and North's Subdivision of a part of the Pala Rancho, together with 14.90 acres next South of Lot 5 aforesaid, all situate along the White or Evergreen Road, Santa Clara County, California.

The proposed place of diversion and the place where this notice is posted is at a point where said stream crosses Lot 8 of said Richards'and North's subdivision. The proposed means of diversion is a dam or weir and the water to be conducted to the place of use by a flume 12 inches by 16 inches and a ditch about 2 feet wide. The said dam and flumes are already constructed.

Recorded June 9, 1914.

Book 2 Water and Mineral Claims, Page 531.

T A X E S

S T A T E AND C O U N T Y.

South 1/2 of Lot 2 and all of Lots 3, 4 and 5 Richards and North Subdivision.

Fiscal Years.

1895-1896)
— TO —) PAID
1918-1919)

1919-1920 A Lien.

N O J U D G M E N T L I E N S.

The foregoing CONTINUATION consisting of pages 238 to 244 inclusive, made at SAN JOSE, CALIFORNIA, APRIL TWENTY-NINTH 1919 at Nine o'clock A.M.

SAN JOSE ABSTRACT COMPANY

By L. Canards

Manager.